

THE
H I S T O R Y
OF THE
REBELLION AND CIVIL WARS
IN
ENGLAND.

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THE
HISTORY
OF THE
REBELLION, &c.

BOOK IV.

ISA. xvii. 12.

Wo to the multitude of many people, which make a noise like the noise of the seas; and to the rushing of nations, that make a rushing like the rushing of many waters.

WHEN the King came to York, which was about the middle of August, he found no part of either army disbanded; for, though orders had been issued to that purpose, yet the money, without which it could not be done, was not yet come to hand; and because so great a sum could not be presently procured, as would satisfy both, an act of Parliament had been passed, for the satisfaction of the principal officers of the King's army, by which they were promised payment, upon the public faith, in November following; till which time they were to respite it, and be contented that the common soldiers, and inferior officers, should be fully satisfied upon their disbanding.

During the time of the King's abode at York,
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which was not many days, the Earl of Holland, Lord General, made a suit to him for the making a Baron; which, at that time, might have been worth to him ten thousand pounds. Whether the King apprehended the making an unfit man, who might disserve him in the House of Peers; or whether he resolved to contain himself from enlarging that number, except upon an extraordinary relation to his own service, I know not: but he thought not fit, at that time, to gratify the Earl: by which he took himself to be highly disengaged, (as the courtiers at that time looked upon whatsoever was denied to them, as taken from them), and having received some information, from Sir Jacob Ashley and Sir John Coniers, of some idle passages in the late tampering with the army to petition, which had not been before heard of; as soon as the King was gone towards Scotland (though his Majesty hath since told me, "that he thought he had left him at parting in very good humour and de-votion to his service") the Earl wrote a letter to the Earl of Essex, to be communicated in Parliament, "that he found there had been strange attempts made to pervert and corrupt the army, "but, he doubted not, he should be able to prevent any mischief:" the whole sense being so mysterious, that it was no hard matter, after it was read in the Houses, to persuade men, that it related to somewhat they had yet never heard; and being dated on the sixteenth day of August, which must be the time that the King was there, or newly gone thence, (for he took his journey from London on the tenth), seemed to reflect on somewhat his Majesty should have attempted. Hereupon their old fears are awakened, and new ones infused into the people; every man taking

taking the liberty of making what interpretation he pleased of that which no man understood.

The Papists were the most popular common-place, and the butt against whom all the arrows were directed ; and so, upon this new fright, an order was made by both Houses “ for disarming all the Papists “ in England :” upon which, and the like orders, though seldom any thing was after done, or no matter of moment, yet it served to keep up the fears and apprehensions in the people, of dangers and designs, and to disincline them from any reverence or affection to the Queen, whom they began every day more implacably to hate, and consequently to disoblige. And, as upon those, and the like light occasions, they grew to a licence of language, without the least respect of persons, of how venerable estimation foever ; so they departed from all order or regularity in debate ; or rules and measures in judging ; the chief rulers amongst them first designing what they thought fit to be done, and the rest concluding any thing lawful, that they thought, in order to the doing and compassing the same : in which neither laws nor customs could be admitted to signify any thing against their sense.

I remember, about that time, in the providing money for the disbanding the armies, upon which they were marvellously solicitous, from the time that the King went towards the north, there arose a question, “ Whether Wilmot, Ashburnham, and Pollard, “ should receive their pay due to them upon their “ several commands, lying under the charge of the “ plot, for bringing up, and corrupting the army ;” very many passionately alleging, “ that such men “ ought not to receive their pay, who had forfeited

“ their trust :” yet there wanted not many who alleged, “ that they had the security of an act of Parliament for their payment, and that in justice it could not be detained from them ; that, though they lay under the displeasure of the House, they were so far from a judgment yet, that there was not so much as a charge against them, but that they were at liberty under bail ; and therefore they could not be said to have forfeited any thing that was their own.” In this debate the House seemed equally divided, till one, who well knew what he said, told them, “ that there could not be any reasonable pretence for detaining their due, as well for the reasons that had been given, as, that they were absolutely pardoned by the late act of oblivion, and pacification, between the two kingdoms :” the which was no sooner said, than many of those who were before inclined to the gentlemen, changed their opinions, and, without so much as calling to have the statute read, declared, “ that they could have no benefit by that act of Parliament, because then, the same might be as well applied to the Archbishop of Canterbury.” And so, without further weighing the law, or the reason, it was thought sufficient, not only to exclude them from that benefit, but to bar them from their money ; lest they might be thought to be admitted to it for that reason, which might prove an advantage to another, to whom they had no inclination to be just. And no question, they had been overseen in the penning that statute ; the words, in their true and genuine signification and extent, comprehending as well the Archbishop of Canterbury, as those who at that time had no contempt of the security they reaped thereby.

Soon

Soon after the King went into Scotland, there being some motion “to adjourn the Houses till after “ Michaelmas,” which seemed to be generally inclined to, very many of both Houses being willing to refresh themselves, after so long absence from their homes, (the summer being far spent, and the plague increasing; of which some members had died; and others were in danger, having been in infected houses), and conceiving, that there was no more to be done till the return of the King, saving only the procuring money to finish the disbanding; went into the country: and others, who staid in the town, were less solicitous to attend the public service; but betook themselves to those exercises and refreshments which were pleasanter to them: insomuch, as within twenty days after the King’s remove, there were not above twenty Lords, nor much above a hundred Commoners, in both Houses. But this was the advantage looked for; those persons continuing (especially in the House of Commons) to whose care and managery the whole reformation was committed. They now entered upon the consultation of the highest matters, both in Church and State; and made attempts and entries upon those regalities and foundations, which have been since more evident in wider and more notorious breaches.

From the liberty and success of advising what was fit to be done out of the kingdom, with reference to the levies for France and Spain, they assumed the same freedom, of consulting and determining what was not fit, within the walls of the Church; and finding their numbers to be so thin, that they might, by art or accident, prevail with the major part to be of their mind; and to gratify the more violent party of the reformers, (who, with great impatience, suffered

themselves to be contained within any bounds or limits, by those who knew better how to conduct their business), they entered upon debate of the Book of Common-Prayer, (which sure, at that time, was much reverenced throughout the kingdom), and proposed, “in regard (they said) many things in it gave offence, at least umbrage, to tender consciences, “that there might be liberty to disuse it;” which proposition was so ungracious, that, though it was made in a thin House, and pressed by those who were of the greatest power and authority, it was so far from being consented to, that by the major part (the House consisting then of about six score) it was voted, “that it “should be duly observed.”

However, the next day, contrary to all rules and orders of Parliament, very many being absent who had been active in that debate, they suspended that order; and resolved, “that the standing of the communion-table in all Churches should be altered;” the rails (which in most places had been set up for the greater decency) “should be pulled down; that “the chancels should be levelled, and made even “with all other parts of the Church; and that no “man should presume to bow at the name of Jesus,” (which was enjoined by a Canon, and of long use in the Church); and having digested these godly resolutions into an order, they carried it up to the Lords for their concurrence; promising themselves, that, from the small number which remained there, they should find no dissent. But the major part of the Lords being much scandalized, that the House of Commons should not only unseasonably, and irregularly, interpose in a matter wherein they had not the least jurisdiction; but should presume to disturb the peace
of

of the Church, and interrupt the settled and legal government thereof, by such a blasphemical presumption, not only refused to join with them, but, instead thereof, directed an order, formerly made by the House of Peers, (on the sixteenth of January before), to be printed, to this effect: “that the divine service should be performed, as it is appointed by the acts of Parliament of this realm; and that all such as shall disturb that wholesome order, shall be severely punished, according to law;” and acquainted the Commons therewith: who, nothing satisfied, pursued their former order; and, “commanding all the commons of England to submit to their direction, declared, that the order of the Lords was made by the consent but of eleven Lords, and that nine other Lords did dissent from it; and, therefore, that no obedience should be given thereunto.” Whereas the order had been made in full Parliament, seven months before; and was seasonably ordered to be published, by the major part present, upon that important occasion. And such an arraigning the House of Peers, for publishing an order in maintenance of the laws established, by those who had no authority to declare what the law was, nor a jurisdiction over those who should infringe the law, was so transcendent a presumption, and breach of privilege, that there was great expectation what the Lords would do in their own vindication.

There was one clause in the act of pacification, An ordinance of both Houses for a day of thanksgiving, on occasion of the peace. “that there should be a public and solemn day of thanksgiving, for the peace between the two kings of England and Scotland;” but no day being appointed for that act of indevotion, the Lords and Commons assumed the power to themselves of direct-

ing it ; and, to that purpose, made an ordinance, as they called it, “ that it should be observed on the seventh of September following, throughout the kingdom of England and dominion of Wales.” Which was done accordingly ; the factious ministers in all pulpits taking occasion then to magnify the Parliament, and the Scots ; and to infuse as much malignity into the people, against those who were not of that faction, as their wit and malice could suggest ; the House of Commons celebrating that day in the chapel at Lincoln’s Inn ; because the Bishop of Lincoln, as Dean of Westminster, had formed a prayer for that occasion, and enjoined it to be read on that day, in those churches where he had jurisdiction ; which they liked not : both as it was a form, and formed by him ; and so avoided coming there.

After the solemnization of that day, and their making their declaration against the Lords, about the order above mentioned, and the recommending some seditious, unconformable ministers, to be lecturers in churches about London, whom the incumbents were compelled to receive : when they had great apprehension, by their members leaving them, that they should not have forty remaining, (less than which number could not constitute a House of Commons), they consented to a recess ; and on the ninth day of September, 1641, they adjourned themselves till the twentieth day of October following : either House irregularly (for the like had never been before practised) making a committee, to meet twice a week, and oftener, if they saw cause, during the recess, and to transact such business as they were authorised to do by their instructions.

The House of Lords limited their committee (which

confisted

Sep. 9,
1641, both
Houses ad-
journed to
Octob. 20.
appointing
a commit-
tee of each
to sit during
the recess.

consisted of the Earls of Essex, Warwick, the Lords Wharton, Kimbolton, and twelve more; but every three were as able to transact as the whole number) by their instructions, "only to open the letters which should come from the committee in Scotland, and to return answers to them; with power to recall that committee, when they thought fit; to send down monies to the armies; and to assist about their disbanding; and in removing the magazines from Berwick and Carlisle."

But the House of Commons thought this power too narrow for their committee; and therefore against order too (for the power of the committees of both Houses ought to have been equal) they qualified theirs (which consisted of Mr. Pym, Mr. Saint-John, Mr. Strode, Sir Gilbert Gerrard, Sir Henry Mildmay, Sir Henry Vane, Alderman Pennington, Captain Venn, and others; every six having the authority of the whole) as well with the powers granted to the Lords, as likewise, "to go on in preparation of proceedings against such delinquents, as were voted against, or complained of in the House; and to receive any offers of discovery that they should make; to send to all Sheriffs, and Justices of the peace, upon information of any riots, or tumults; to stir them up in their duty in repressing them; and to report to their House any failing in obedience to their commands; to take the accounts of any accountants to his Majesty, in order to the preparation of his Majesty's revenue; to consider of framing and constituting a West India Company; and to consider the fishing, upon the coasts of England, Scotland, and Ireland;" and many other extravagant particulars: which served to magnify the authority of that committee;

committee; and to draw respect and reverence to them from almost all sorts of men.

The business
before the
committee
of the Com-
mons.

The Houses being thus adjourned, the committee of the Commons appointed Mr. Pym to sit in the chair; who, forthwith, with his own hand, signed the printed declarations before mentioned, of the ninth of September; and caused them to be so read in all churches in London, and throughout the countries. Whereupon the seditious and factious persons caused the windows to be broken down in churches; broke down the rails, and removed the communion-table, (which, in many places, had stood in that manner ever since the Reformation), and committed many insolent and scandalous disorders. And when the minister, and the graver and more substantial sort of inhabitants, used any opposition, and resisted such their licence, they were immediately required to attend the committee; and, if they could be neither persuaded nor threatened to submit, their attendance was continued from day to day, to their great charge and vexation. If any grave and learned minister refused to admit into his church a lecturer recommended by them, (and I am confident, there was not, from the beginning of this Parliament, one orthodox or learned man recommended by them to any church in England), he was presently required to attend upon the committee; and not discharged till the Houses met again; and then likewise, if he escaped commitment, continued, to his intolerable loss and trouble: few men having the patience to endure that oppression, against which they knew not whither to appeal; and therefore in the end submitted to what they could not resist; and so all pulpits were supplied with their seditious and schismatical preachers.

The

The armies were at last disbanded : and about the end of September, the Earl of Holland, in great pomp, returned to his house at Kensington ; where he was visited and caressed, with great application, by all the factious party : for he had now, whether upon the disobligation remembered before, of being denied the making a Baron ; or upon some information, of some sharp expressions used by the Queen upon his letter ; and the conscience of that letter : or the apprehensions of being questioned and prosecuted upon the enormities of his office of Chief Justice in Eyre, and other transgressions, fully declared himself of their party. And that they might be the better prepared to keep up the prejudice to the King, and the keenness against the Court, till the coming together of both Houses ; when they had reason to believe the observation of their crooked and indirect courses, and their visible, unwarrantable breaches, upon the Church, and the religion established by law, would render men less devoted to them ; his Lordship furnished them with many informations of what had passed in the late army, which might be wrested to the King's advantage ; told them whatsoever the King himself had said to him, when he looked upon him as a person true to him ; and when, it is very probable, he was not much delighted with the proceedings of Westminster ; and of all the particulars, which Sir Jacob Ashley, and Sir John Coniers, had informed him, when they took him to be of entire trust with his Majesty, and wholly under that consideration, (whereupon they were afterwards examined, and compelled to testify that in public, which they had before imparted to him in the greatest secrecy) ; and added to all this, whatever information he had received by the

Lady

Lady Carlisle, of words or actions, spoken or done by the Queen, which might increase their jealousy or malice to her Majesty. And he himself (who had been always believed a creature of the Queen's, and exceedingly obliged and protected by her immediate and single grace and favour, against the Earl of Portland, the Earl of Strafford, and the Archbishop of Canterbury, in those times when they had otherwise destroyed him) visited her Majesty but once, from the time of his return out of the north, to the time of the King's return from Scotland, which was full six weeks. And yet, there were some men still at those private meetings at Kensington, who thought the Queen's favour a likelier means for their preferment, than the interest of the others ; and therefore always gave advertisement to her of what passed in that company : which information, for want of due care in the managery, and by reason of the unfaithfulness of her nearest servants, commonly produced somewhat, of which the other side made greater advantage, than she could do by the knowledge of their counsels and resolutions.

The short recess of the Parliament, though it was not much above the space of a month, was yet a great refreshment to those who had sat near a full year, mornings and afternoons, with little or no intermission ; and in that warm region, where thunder and lightning was made. Some very unwarrantable proceedings, by the committee that sat during the recess, or Mr. Pym, who sat in the chair of that committee, and issued out those orders concerning the Church, gave so much offence and scandal, that the members were like to meet together with more courage, and less inclinations to novelties, than they had parted with. But there were several accidents fell out, some from

very

very little, and some from very great causes, which had that influence upon the nature and spirit of men, and upon the actions of that time, that, for the better understanding some particular passages, which will appear pertinent, it will be even necessary, briefly, and it shall be but very briefly, to mention some of those particulars.

When the King went into Scotland ; for the better preserving the correspondence between the two kingdoms, as was pretended ; and to see all things performed, which were to be done in the Parliament of Scotland, by the act of pacification ; a small committee (as hath been before said) was appointed by the two Houses, consisting of one Lord, and two Commons, to attend (as the phrase was) upon his Majesty : but, in truth, to be spies upon him ; and to give the same assistance to the Parliament there, upon any emergent occasion, as the Scottish Commissioners had done here.

The person appointed by the Lords, was the Lord Howard of Escrick ; a younger son of the House of Suffolk : who, in the time of the Duke of Buckingham, married a niece of his ; and having his whole dependence upon him, and being absolutely governed by him, was by him made a Baron ; but that dependence being at an end ; his wife dead ; and he without any virtue to promote himself : he withdrew himself from following the Court ; and, shortly after, from wishing it well ; and had now delivered himself up, body and soul, to be disposed of by that party, which appeared most averse, and obnoxious, to the Court and the Government : and only in that confidence was designed to that employment ; and to be entirely disposed and governed by the two members, who

A small committee
of both
Houses at-
tended the
King in
Scotland.

For the
Lords,
the Lord
Howard
of Escrick.

For the Commons, were joined with him by the House of Commons, who were, Sir Philip Stapleton, and Mr. Hambden.

Sir Philip Stapleton,
Mr. Hambden.

The latter hath been mentioned before, as a man of great understanding and parts, and of great sagacity in discerning men's natures and manners ; and he must, upon all occasions, still be mentioned, as a person of great dexterity and abilities, and equal to any trust or employment, good or bad, which he was inclined to undertake.

The other, Sir Philip Stapleton, was a proper man, of a fair extraction ; but, being a branch of a younger family, inherited but a moderate estate, about five hundred pounds a year, in Yorkshire ; and, according to the custom of that country, had spent much time in those delights which horses and dogs administer. Being returned to serve in Parliament, he concurred with his neighbours, Hotham, and Cholmondeley ; being much younger than they, and governed by them in the prosecution of the Earl of Strafford ; and so was easily received into the company and familiarity of that whole party which took that work to heart ; and in a short time appeared a man of vigour in body and mind ; and to be rather without good breeding, than not capable of it ; and so he quickly outgrew his friends and countrymen in the confidence of those who governed : they looking upon him, as worth the getting entirely to them ; and not averse from being gotten ; and so joined him with Mr. Hambden in this their first employment (and the first, that ever a Parliament had of that kind) to be initiated under so great a master ; whose instruction he was very capable of.

There had been, even from the time the Scottish army came into England, many factions, and jealousies,

lousies; amongst the principal persons of that nation ; Transacti-
ons in Scot-
land, touch-
ing Mont-
rose, Ar-
gyle, and
Hamilton. but none so much taken notice of, as that between the two Earls of Montrose, and Argyle. The former took himself to have deserved as much as any man, in contributing more, and appearing sooner, in their first approach towards rebellion ; as indeed he was a man of the best quality, who did so soon discover himself ; and, it may be, he did it the sooner, in opposition to Argyle ; who being then of the King's Council, he doubted not, would be of his Majesty's party. The people looked upon them both, as young men of unlimited ambition ; and used to say, “ that they “ were like Cæsar and Pompey, the one would endure “ no superior, and the other would have no equal.” True it is, that from the time that Argyle declared himself against the King (which was immediately after the first pacification) Montrose appeared with less vigour for the covenant ; and had, by underhand and secret insinuations, made proffer of his service to the King. But now, after his Majesty's arrival in Scotland, by the introduction of Mr. William Murray of the Bedchamber, he came privately to the King ; and informed him of many particulars, from the beginning of the rebellion ; and, “ that the Marquis of “ Hamilton, was no less faulty, and false towards his “ Majesty, than Argyle ;” and offered “ to make “ proof of all in the Parliament ;” but rather desired, “ to have them both made away ;” which he frankly undertook to do ; but the King, abhorring that expedient, though for his own security, advised, “ that “ the proofs might be prepared for the Parliament.” When suddenly, on a Sunday morning, the city of Edinburgh was in arms ; and Hamilton, and Argyle, both gone out of the town to their own houses ; where they

they stood upon their guards ; declaring publicly, “ that they had withdrawn themselves, because they “ knew that there was a design to affassinate them ; “ and chose rather to absent themselves, than by “ standing upon their defence in Edinburgh (which “ they could well have done) to hazard the public “ peace and security of the Parliament ; which thun- “ dered on their behalf.”

The Committee at Edinburgh dispatched away an express to London, with a dark and perplexed account, in the morning that the two Lords had left the city ; with many doubtful expressions, “ what “ the end of it would be ;” not without some dark insinuations, as if the design might look farther than Scotland. And these letters were brought to London, the day before the Houses were to come together, after the recefs ; all that party taking pains to per- suade others, “ that it could not but be a design to “ affassinate more men than those Lords at Edin- “ burgh.”

And the morning the Houses were to meet, Mr. Hyde being walking in Westminster-Hall, with the Earl of Holland and the Earl of Essex, both the Earls seemed wonderfully concerned at it ; and to believe, “ that other men were in danger of the like “ assaults :” the other not thinking the apprehenfion worthy of them, told them merrily, “ that he knew “ well what opinions they both had of those two “ Lords, a year or two before, and he wondered how “ they became so altered :” to which they answered smiling, “ that the times and the Court was much al- “ tered fince.” And the Houses were no sooner sate, but the report being made in the House of Com- mons, and the Committee’s letter from Scotland be- ing

ing read, a motion was made, “ to send to the House “ of Peers, that the Earl of Essex, who was left by “ the King, General on this side Trent, might be de-“ fired to appoint such a guard, as he thought com-“ petent for the security of the Parliament, con-“ stantly to attend while the Houses sat;” which was done accordingly; and continued, till they thought fit to have other guards. All which was done to amuse the people, as if the Parliament were in danger : when in Scotland all things were quickly pacified ; and ended in creating the Marquis Hamilton a Duke, and Argyle a Marquis.

The Earl of
Essex ap-
points a
guard for
the security
of the Par-
liament.

There was a worse accident than all these, which fell out in the time of the King’s stay in Scotland, and about the time of the two Houses reconvening ; which made a wonderful impression upon the minds of men ; and proved of infinite disadvantage to the King’s affairs, which were then recovering new life ; and that was the rebellion in Ireland : which broke out about the middle of October, in all parts of the kingdom. Their design upon Dublin was miraculously discovered, the night before it was to be executed ; and so the surprisal of that castle prevented ; and the principal conspirators, who had the charge of it, apprehended. In the other parts of the kingdom they observed the time appointed, not hearing of the misfortunes of their friends at Dublin. A general insurrection of the Irish spread itself over the whole country, in such an inhuman and barbarous manner, that there were forty or fifty thousand of the English Protestants murdered, before they suspected themselves to be in any danger, or could provide for their defence, by drawing together into towns, or strong houses.

News of the
rebellion in
Ireland.

From Dublin, the Lords Justices, and Council, dispatched their letters by an express (the same man who had made the discovery, one Oconelly, who had formerly been a servant to Sir John Clotworthy) to London, to the Earl of Leicester, then Lord Lieutenant of Ireland. From the parts of the north, and Ulster, an express was sent to the King himself, at Edinburgh; and the King's letters from thence, to the two Houses, arrived within less than two days after the messenger from Dublin.

It was upon a Sunday night, that the letters from Dublin came to the Earl of Leicester; who immediately caused the Council to be summoned, and, as soon as it was met, informed them of the condition of Ireland; that is, so much as those letters contained: which were written, when little more was known than the discovery at Dublin; and what the conspirators had confessed upon their examinations. The House of Peers had then adjourned itself to the Wednesday following; but the House of Commons were to meet on the next day, Monday morning; and the Council resolved, "that they would in a body go to the House of Commons, as soon as it sat, and inform them of it;" which they did; notice being first given to the House, "that the Lords of the Council had some matters of importance to impart to them, and were above in the Painted Chamber ready to come to them:" whereupon, chairs were set in the House for them to repose themselves, and the Serjeant sent to conduct them. As soon as they entered the House, the Speaker desired them to sit down; and then being covered, Littleton, Lord Keeper, told the Speaker, "that the Lord Lieutenant of Ireland, having received letters from

The Lords
of the Coun-
cil acquaint
the Houfe
of Com-
mons with
the news,
the Houfe
of Lords not
fitting.

" the

“ the Lords Justices and Council there, had communicated them to the Council ; and since the House of Peers was not then sitting, they had thought fit, for the importance of the letters, to impart them to that House ;” and so referred the busines to the Lord Lieutenant ; who, without any enlargement, only read the letters he had received, and so the Lords departed from the House.

There was a deep silence in the House, and a kind of consternation : most men’s heads having been intoxicated, from their first meeting in Parliament, with imaginations of plots, and treasonable designs, through the three kingdoms. The affair itself seemed to be out of their cognizance ; and the communication of it served only to prepare their thoughts, what to do when more should be known ; and when they should hear what the King thought fit to be done. And when the King’s letters arrived, they were glad the news had come to him, when he had so good Council about him to advise him what to do.

The King was not then informed of what had been discovered at Dublin : but the letters out of Ulster (which he sent to the Parliament) gave him notice “ of a general insurrection in the north ; and of the inhuman murders committed there, upon a multitude of the Protestants ; and that Sir Phelim O’Neil appeared as their General and Commander in chief.”

Upon which his Majesty writ to the two Houses, His Majesty writes to the two Houses about it. “ that he was satisfied that it was no rash insurrection, but a formed rebellion ; which must be prosecuted with a sharp war ; the conducting and prosecuting whereof he wholly committed to their care and wisdom, and depended upon them for the carrying it on ; and that for the present he had caused a

" strong regiment of fifteen hundred foot, under good officers, to be transported out of Scotland into Ulster, for the relief of those parts ;" which were upon the matter wholly inhabited by Scots and Irish ; there being fewer English there, than in any part of Ireland.

This fell out to their wish ; and thereupon they made a committee of both Houses, " for the consideration of the affairs of Ireland, and providing for the supply of men, arms, and money, for the suppression of that rebellion ;" the Lord Lieutenant of Ireland being one of the committee, which sat every morning in the Painted Chamber ; and the Lord Lieutenant first communicated all the letters he received, to them to be consulted on, and to be thence reported to the two Houses ; which were hereby possessed of a large power and dependence ; all men applying themselves to them, that is, to the chief leaders, for their preferments in that war : the mischief whereof, though in the beginning little taken notice of, was afterwards felt by the King very sensibly.

These concurrent circumstances much altered and suppressed that good humour and spirit the Houses were well disposed to meet in ; and the angry men, who were disappointed of the preferments they expected, and had promised themselves, took all occasions, by their emissaries, to insinuate into the minds of the people, " that this rebellion in Ireland was contrived and fomented by the King, or, at least, by the Queen, for the advancement of Popery ; and that the rebels published and declared, that they had the King's authority for all they did ;" which calumny, though without the least shadow or colour of truth, made more impression upon the minds of sober

sober and moderate men (who till that time had much disliked the passionate proceedings of the Parliament) than could be then imagined, or can yet be believed. So great a prejudice, or want of reverence, was universally contracted against the Court, especially the Queen, whose power and activity was thought too great.

Shortly after the beginning of the Parliament, there had been a committee appointed, “to prepare and draw up a general remonstrance of the state of the kingdom, and the particular grievances it had suffered ;” but it scarce met, or was ever after spoken of. But now, the Houses no sooner met after their recess, than Mr. Strode (one of the fiercest men of the party, and of the party only for his fierceness) moved, “that that committee might be revived, and ordered to meet ;” for which, of course, a time and place was appointed : by which men easily discerned, that nothing of their fury was abated, but rather increased, in that they found their credit every day lessened in the House, by the opposition and contradiction they sustained. And they being thus disquieted ; and knowing little ; and so doubting much ; every day seemed to them to produce a new discovery, of some new treason and plot against the kingdom. One day, “a letter from beyond seas, of great forces prepared to invade England ;” another, “of some attempt upon the life of Mr. Pym ;” and no occasion omitted to speak of the evil council about the King ; when scarce a counsellor durst come near him, or be suspected to hear from him.

After some days, a new bill was presented to the House of Commons, “for the taking away the Bi-shops' votes in Parliament ; and for disabling them to take away Bi-shops' votes.

" to exercise any temporal office in the kingdom :" against which was objected, " that it was contrary to " the course and order of Parliament, that any bill " that had been rejected should be again preferred " the same session ; and therefore it ought not to be " so much as read :" to which nothing was replied but noise ; and " that this bill varied in some clauses " from the former ; and that the good of the king- " dom absolutely depended upon it :" and so, by the majority of voices, it was ordered to be read ; and afterwards, without any very considerable opposition, passed the House, and was transmitted to the Lords : the greatest argument being, " that their intermeddling " with temporal affairs was inconsistent with, and de- " structive to, the exercise of their spiritual func- " tion." Whilst their reformation, both in Scotland and this kingdom, was driven on by no men so much as those of their Clergy, who were their instruments. As, without doubt, the Archbishop of Canterbury had never so great an influence upon the counsels at Court, as Dr. Burges and Mr. Marshal had then upon the Houses ; neither did all the Bishops of Scotland together so much meddle in temporal affairs, as Mr. Henderson had done.

The King
fills up di-
vers vacant
bishopricks
in England.

There being at this time the bishopricks of Worcester, Lincoln, Exeter, Chichester, and Bristol, void by death, or translation ; the King, during the time of his being in Scotland, collated to those fees, Dr. Prideaux, the King's Professor of Divinity in Oxford ; Dr. Winniff, Dean of St. Paul's ; Dr. Brownerigg, Master of Catharine-Hall in Cambridge ; Dr. Henry King, Dean of Litchfield ; and Dr. Westfield, of Great St. Bartholomew's, London ; all of great eminency in the Church ; frequent preachers ; and not a man, to whom

whom the faults of the then governing Clergy were imputed, or against whom the least objection could be made.

As soon as the House of Commons heard of this designation of his Majesty's, (having then newly the second time sent up to the House of Peers their bill to remove Bishops from thence), they were much troubled, that, at a time when they resolved to take away the old, the King should presume to make new Bishops ; and to create so many voices to assist the other ; and therefore they urged very earnestly, “ that the Lords might be moved to join with them, in sending to the King, to make no new Bishops till the controversy should be ended about the government of the Church :” which appeared so unreasonable, that the wisest of them who wished it, apprehended no possibility, that the Lords would join with them ; or, if they did, that the King would be prevailed with. However, being glad to find their companions had so much mettle, after a long debate, the major part carried it, “ that a committee should be appointed to draw up reasons to give the Lords, to concur with them in that desire to the King :” but, after that, moved that stone no further.

In all debates of this nature, where the law, reason, and common sense, were directly opposite to what they proposed, they suffered those who differed from them in opinion, and purposes, to say what they thought fit in opposition ; and then, without vouchsafing to endeavour their satisfaction, called unfortunately for the question ; well knowing that they had a plurality of voices to concur with them, in whatsoever they desired. I remember, in this last busi-

fines, when it was voted that a committee should be named to draw up reasons, many of those who had during the debate positively argued against the thing, were called upon to be of that committee; and, amongst them, the Lord Falkland, and Mr. Hyde, who stood up, and “desired to be excused from that “service, where they could be of no use; having “given so many reasons against it, that they could “not apprehend any could be given for it; therefore “thought the work would be better done, if those, “who had satisfied themselves with the reasonableness “of what they wished, would undertake the convert-“ing and disposing of other men.” There was a gentle-
man who sat by, (Mr. Bond of Dorchester; very severe, and resolved, against the Church and the Court), who, with much passion and trouble of mind, said to them, “For God’s sake be of the committee; you “know none of our side can give reasons;” which made those that overheard him smile, though he spoke it suddenly, and upon observation that the leaders were not then in the House. Otherwise, it cannot be denied, those who conducted them, and were the contrivers of the mischief, were men of great parts, and unspeakable industry; and their silence in some debates proceeded partly from pride, that it might appear their reputation and interest had an influence upon the sense of the House, against any rhetoric or logic: but principally from the policy they were obliged to use: for though they could have given a pregnant reason for the most extravagant overture they ever made, and evinced it, that it was the proper way to their end; yet, it not being time to discover their purposes, (how apparent
foever

soever they were to discerning men), they were necessarily to give no reasons at all; or such as were not the true ones.

This stratagem failing, of stopping the creation of the new Bishops, they endeavour by all means to hasten the House of Peers to dispatch the work before them, before they should be qualified (their elections, confirmations, and consecrations, and other ceremonies, spending much time) to increase the number of the opposers; and for the better doing thereof, with great confidence, they demand of the Lords, "that "no recusant Lord, or any Bishop, might have a vote "in the passing that act: the last being parties; and "the other not supposed competent judges on the behalf "of the kingdom." But, when they found that logic could not prevail, (the demand being indeed so scandalous, that the House of Peers, if they had not been fatally misled, must have resented it as a high presumption, and insolent breach of privilege), with more formality and colour, though as unreasonably, they pressed, "that those thirteen Bishops, whom they had "before impeached, for making the late Canons; and "upon whom their Lordships themselves had passed "severe votes," (such indeed as were fitter for accusers than judges, unparliamentary and unprecedented), "might be sequestered from the House, till they "should be brought to judgment." And for this, they found lawyers in their House, who, prostituting the dignity and learning of their profession, to the cheap and vile affectation of popular applause, were not ashamed to aver custom and law for their senseless proposition. But the House of Peers was not yet deluded enough, or terrified, (though too many amongst them

them paid an implicit devotion to the House of Commons), to comply in this unreasonable demand.

The animosities at that time between some great lawyers and some Churchmen produced great mischiefs.

And here I cannot but with grief and wonder remember the virulence and animosity expressed at that time, upon all occasions, by many of good knowledge in the excellent and wise profession of the common law, towards the Church and Churchmen ; taking all opportunities, uncharitably, to improve mistakes into crimes ; and, unreasonably, to transfer and impute the follies and faults of particular men, to the malignity of their order and function ; and so whet and sharpen the edge of the law, to wound the Church in its jurisdiction ; and at last to cut it up by the roots, and demolish its foundation. It cannot be denied, that the peevish spirits of some Clergymen have taken great pains to alienate that profession from them ; and others as unskilfully (finding that in former times, when the religion of the State was a vital part of its policy, many Churchmen were employed eminently in the civil government of the kingdom) imputed their wanting those ornaments their predecessors wore, to the power and prevalency of the lawyers ; of whom, some principal men, in all times, they could not but observe to have been their avowed enemies : and so believed the straitening and confining the profession of the common law, must naturally extend and enlarge the jurisdiction of the Church. Thence arose their bold and unwarrantable opposing and protesting against prohibitions, and other proceedings at law, on the behalf of ecclesiastical courts ; and the procuring some orders and privileges from the King, on the behalf of the civil law ; even with an exclusion of the other : as the Archbishop of Canterbury prevailed

vailed with the King to direct, "that half the Masters
" of the Chancery should be always civil lawyers;"
and to declare, "that no others, of what condition so-
ever, should serve him as Masters of Request." All
which was a great mistake: for, besides the stop-
ping prohibitions was an envious breach upon the
justice of the kingdom; which, at some time or other,
will still be too hard for the strongest opposers and
oppressors of it: I could never yet know, why the
Doctors of the civil law were more of kin to the Bi-
shops, or the Church, than the common Lawyers were.
To say that their places were in the Bishops' disposal,
as Chancellors, Commissaries, and the like; and, there-
fore, that their persons were more like to be at their
disposal too, at least, to pay them greater reverence,
concludes nothing: for the Clergy had opportunity
enough to oblige and create an equal dependence
from the profession of the common law; and I am
persuaded, the stewardships to Bishops, and of the
lands of the Church, which were to be managed by
the rules of the common law, were not much inferior
in profit to all the chancellorships in England. And
then, if, where the policy may consist with justice, it
is no ill measure in making friendships, to look into,
and compare, the power of doing hurt, or doing
good; it is apparent, that the civil law in this king-
dom had not, in the least degree, the ability to help
or to hurt the Church, in any exigency, as the com-
mon law had; whose professors had always, by their
interests, experience, and reputation, so great an in-
fluence upon the civil state, upon court and country,
that they were notable friends or enemies. And the
dependence of the Church, as to their inheritance and
estates, (except their minute tythes), was entirely upon
the

the law ; being only determinable by those rules, by which they have seldom received eminent injustice. And truly, I have never yet spoken with one Clergyman, who hath had the experience of both litigations, that hath not ingenuously confessed, “ he had rather, “ in the respect of his trouble, charge, and satisfac-“ tion to his understanding, have three suits depend-“ ing in Westminster Hall, than one in the Arches, “ or any ecclesiastical court.”

The particulars above mentioned were, I confess, to vulgar minds, great provocations and temptations to revenge ; and, therefore, I do not at all wonder, that, in the great herd of the common lawyers, many pragmatical spirits, whose thoughts and observations have been contracted to the narrow limits of the few books of that profession, or within the narrower circle of the Bar-oratory, should go along with the stream, in the womanish art of inveighing against persons, when they should be reforming things : and that some, by degrees, having found the benefit of being of that opinion, (for we all remember, when Papist and Puritan lawyers got more money than their neighbours, for the private opinions they were of ; not what they delivered in public), grew, at last, to have fits of conscience in earnest ; and to believe, that a parity in the Church was necessary to religion, and not like to produce a parity in the State ; of which doctrine, if they had been then suspected, they would quickly have been ashamed of such divinity.

But, that learned and unbiased (I mean unprovoked) men, in that science of our law, who knew the frame and constitution of the kingdom, and that the Bishops were no less the representative body of the Clergy, than the House of Commons was of the people;

people ; and, consequently, that the depriving them of voice in Parliament, was a violence, and removing landmarks, and not a shaking (which might settle again) but dissolving foundations ; which must leave the building unsafe for habitation : that such men, who knew the ecclesiastical and civil state was so wrought and interwoven together, and, in truth, so incorporated in each other, that the one could not long continue in prosperity without the other ; and that the profectors of the law were never at so great a height, as even in this time that they so unjustly envied the greatness of the Church : and, lastly, that they, who might well know, that the great and unwieldy body of the Clergy, consisting of such different tempers, humours, inclinations, and abilities, and which inevitably will have so strong an influence upon the nature and affections of the people, could never be regulated and governed by any magistrates, but of themselves ; nor by any rules, but of such power as the Bishops exercised ; whom (besides all arguments of piety, and submision to antiquity) the experience of the blessed times since the Reformation, not to be paralleled in any nation under heaven, declared to be the most happy managers of that power, whatsoever rankness and excrescence might have proceeded from some branches : I say, that these knowing and discerning men (for such I must confess there have been) should believe it possible for them to flourish, or that the law itself would have the same respect and veneration from the people, when the well-disposed fabric of the Church should be rent asunder, (which, without their activity and skill in confusion, could never have been compassed), hath been to me an instance of the Divine anger against the pride of both, in suffering them to
be

be the fatal engines of breaking one another: whereas neither could have been oppreffed by any other strength or power but their own.

And I cannot but say, to the professors of that great and admirable mystery, the common law, (upon which no man looks with more affection, reverence, and submission), who seem now, by the fury and ini-
quity of the time, to stand upon the ground they have won, and to be masters of the field; and, it may be, wear some of the trophies and spoils they have ravi-
ished from the oppressed; that they have yet but sharpened weapons for others to wound them; and that their own arguments and eloquence may be, one time or other, applied to their own destruction. And therefore, if they have either piety to repent and re-
deem the ill that they have wrought, or policy to pre-
serve their own condition from contempt, and them-
selves from being slaves to the most abject of the people, they will at length wind up the Church and the Law into one and the same interest; and, by a firm and steady pursuit, endeavour to fix both on the same foundation, from whence they have been so vio-
lently disturbed.

By this time the King was as weary of Scotland, as he had been impatient to go thither; finding all things propos'd to him, as to a vanquished person, without consideration of his honour, or his interest; and having not one counsellor about him, but the Duke of Lenox, (who from the beginning carried himself by the most exact rules of honour, gratitude, and fidelity to him), and very few followers, who had either affection to his person, or respect to his honour.

That, which should have been an act of oblivion,
was

was made a defence and justification of whatsoever they had done : their first tumults, and erecting their tables in opposition to, and at last suppressing, both courts of justice and session ; and the acts and orders of those tables, declared to be “ the effects of their “ duty to his Majesty ; and according to the law of “ the land :” and so all those, who according to their allegiance had opposed and resisted them on the behalf of his Majesty, and were qualified by his Majesty’s commissions, were adjudged criminal ; and the only persons excepted from pardon, and exempted from the benefit of that oblivion.

The seditious acts of that assembly, which had expelled all Bishops, and the canonical Clergy, from being members of that assembly ; and affirmed themselves to have a power “ to inflict the censures of the “ Church upon his Majesty himself ;” were declared “ to be lawful, and according to the constitution of “ the kingdom ; and the government of the Church “ by Archbishops and Bishops, declared to be against “ the Word of God ; and they condemned as enemies to the propagation of the true reformed Protestant religion ; and therefore to be utterly abolished ; and their lands given to the King, his heirs, and successors.”

In consideration of the King’s necessary absence from that his native kingdom, it was thought fit, “ that the full and absolute government thereof should be committed to the Lords of the Secret Council ; who were likewise made conservators of the peace of the two kingdoms, during the intervals of Parliaments ;” and those Lords and conservators were then, and still, to be named by Parliament, “ which was once in three years to assemble upon a “ day

“ day certain, without any summons from the King, “ if he neglected to publish such summons ; and, “ upon the same reason, all great officers, as Chancellor, Treasurer, Secretary, and the rest, nominated by “ Parliament ; and in the interval by the Lords of the “ Secret Council ;” without so much as being concerned to have his Majesty’s approbation.

All which acts, and whatsoever else they were pleased to present to him, concerning Church or State, the King confirmed ; and thereby made the Lord Lowden, who had been the principal manager of the rebellion, Chancellor of Scotland ; and created him likewise an Earl ; and conferred the other great offices, as he was directed : then he made the Earl of Argyle (for he was still trusted with conferring of honours) Marquis ; their great General, Leslie, Earl of Leven ; and their Lieutenant-General, Earl of Calendar ; and conferred other honours on persons, according to the capacity and ability they had in doing him mischief : and, lastly, (leaving all his own party barely to live, for he had procured a pardon for them from the Parliament, upon condition “ They came not near the King’s presence ; nor received any benefit from him, without their approbation”), his Majesty gave all the lands of the Church, which had been devolved to him by its ruin, and whatsoever he had else to give, in that kingdom, to those who had discovered it not to be in good hands before : so that he seemed to have made that progress into Scotland, only that he might make a perfect deed of gift of that kingdom ; which he could never have done, so absolutely, without going thither. And so, having nothing more to do there, he begun his journey towards England about the middle of November.

It is not to be doubted, in consideration of those extravagant concessions, they made as extravagant promises to the King; that, by their loyal and dutiful comportment, his Majesty should find no diminution of his power; that he should have the entire obedience of that nation, to preserve his full rights and regalities in England; and to reduce Ireland: the Earl of Leven telling him, (as Marquis Hamilton assured me, in his hearing) "that he would not only never "more serve against him, but that whenever his Majesty would require his service, he should have it, "without ever asking what the cause was:" and many of them whispering in his ear, and assuring him, "that as soon as the troubles of the late storm could "be perfectly calmed, they would reverse and repeal "whatsoever was now unreasonably extorted from "him." And his Majesty having never received any considerable profit from Scotland, cared the less for what he parted with there: and, it may be, being resolved they should be no more charge to him in his Court here, (for surely he had then very hard thoughts of a great part of the nation), he believed he should save more in this kingdom, than he had given in that; and he made no doubt, but that they were so full fed now, that they would not stir from home again, till the temper and affection of his people here should be better disposed for their reception.

But his Majesty never considered, or not soon enough, that they could not reasonably hope to keep what they had so ill got, but by the same arts by which they were such gainers; and there cannot be a surer evidence of the continuance of an enemy, than the having received injuries from him, of a nature that do not use to be forgiven. Neither did he sufficiently

weigh the unspeakable encouragement, and, in some particulars, the reasonable pretence the factious party here would have, from the prosperous wickedness of those there. And, it is certain, their number from thenceforth increased wonderfully ; the enemies of the Church presuming their work was more than half done, when the King himself had declared, (for his consent to that act they would easily make appear to be such) " that the government by Archbishops, and " Bishops, was against the Word of God, and the pro- " pagation of religion." Many concluding the King would at last yield to any thing, put themselves in company of the boldest and most positive askers ; and some, who in their hearts abhorred what the Scots had done, yet disdaining to be over-witted by them ; and that they should get more for themselves, and receive a greater argument of the King's trust, than we of this nation ; out of pure malice to them, resolved to do the same things with them ; and so joined and concurred in any exorbitancies. All which the King too late discovered, by the entertainment he received upon his return.

The committee for the remonstrance make their report in the House of Commons.

About the time the news came of the King's beginning his journey from Scotland upon a day appointed ; and that he had settled all things in that kingdom to the general satisfaction ; the committee for preparing the remonstrance offered their report to the House ; which caused the draught they offered to be read. It contained a very bitter representation of all the illegal things which had been done, from the first hour of the King's coming to the crown, to that minute ; with all the sharp reflections which could be made, upon the King himself, the Queen, and Council ; and published all the unreasonable jealousies of the present government, of the introducing Popery ; and

and all other particulars, that might disturb the minds of the people : which were enough discomposed.

The House seemed generally to dislike it ; many saying, “ that it was very unnecessary, and unseasonable: unnecessary, all those grievances being already fully redressed ; and the liberty and property of the subject being as well secured for the future, as could possibly be done : and unseasonable, after the King had gratified them, with granting every thing which they had desired of him ; and after so long absence, in the settling the disorders in another kingdom, which he had happily composed ; to be now well comed home with such a volume of reproaches, for what others had done amis, and which he himself had reformed.” Notwithstanding all which, all the other party appeared passionately concerned that it might not be rejected ; and enlarged themselves with as high expressions against the government, as at first ; with many insinuations, “ that we were in danger of being deprived of all the good acts which we had gained, if great care and vigilance were not used, to disappoint some counsels which were still entertained ;” making some doubtful glances and reflections upon the rebellion in Ireland, (with which they perceived many good men were easily amused), and in the end prevailed, “ that a day should be appointed, when the House should be resolved into a committee of the whole House, and the remonstrance to be then retaken into consideration :” and in the mean time they employed all their credit and interest with particular men, to persuade them, “ that the passing that remonstrance was most necessary, for the preservation and maintenance of all those good laws which they had already made ;” giving

several reasons to several persons, according to their natures and inclinations ; assuring many, “ that they “ intended it only for the mortification of the Court, “ and manifestation that that malignant party, which “ appeared to be growing up in the House, could not “ prevail ;” and then “ that it should remain still in “ the clerk’s hands, and never be published.”

And by these, and the like arts, they promised themselves, that they should easily carry it : so that the day it was to be resumed, they entertained the House all the morning with other debates, and towards noon called for the remonstrance ; and it being urged by some, “ that it was too late to enter upon “ it, with much difficulty they consented, that it “ should be entered upon the next morning at nine of “ the clock ; and every clause should be debated, the “ Speaker in the chair ;” for they would not have the House resolved into a committee, which they believed would spend too much time. Oliver Cromwell (who, at that time, was little taken notice of) asked the Lord Falkland, “ Why he would have it put “ off, for that day would quickly have determined “ it ?” He answered, “ There would not have been “ time enough, for sure it would take some debate.” The other replied, “ A very sorry one :” they supposing, by the computation they had made, that very few would oppose it.

But he quickly found he was mistaken : for the next morning, the debate being entered upon about nine of the clock, it continued all that day ; and candles being called for when it grew dark, (neither side being very desirous to adjourn it till the next day ; though it was evident, very many withdrew themselves out of pure faintness and disability to attend
the

the conclusion), the debate continued, till it was after twelve of the clock, with much passion ; and the House being then divided, upon the passing or not passing it, it was carried in the affirmative, by nine votes, and no more : and as soon as it was declared,

It was carried by nine voices.

Mr. Hambden moved, “ that there might be an order entered for the present printing it;” which produced a sharper debate than the former. It appeared then, that they did not intend to send it up to the House of Peers for their concurrence ; but that it was upon the matter an appeal to the people ; and to infuse jealousies into their minds. It had seldom been the custom to publish any debates, or determinations of the House, which were not regularly first transmitted to the House of Peers ; nor was it thought, in truth, that the House had authority to give warrant for the printing of any thing ; all which was offered by Mr. Hyde, with some warmth, as soon as the motion was made for the printing it : and he said, “ he believed the printing it in that manner was not lawful ; and he feared it would produce mischievous effects ; and therefore desired the leave of the House, that if the question should be put, and be carried in the affirmative, that he might have liberty to enter his protestation ;” which he no sooner said, than Jeffery Palmer (a man of great reputation, and much esteemed in the House) stood up, and made the same motion for himself, “ that he might likewise protest.” Many afterwards, without distinction, and in some disorder, cried out together, “ They did protest :” so that there was after scarce any quiet and regular debate. But the House by degrees being quieted, they all consented, about two of the clock in the morning, to adjourn till two of the clock the next

afternoon. And as they went out of the House, the Lord Falkland asked Oliver Cromwell, “ whether “ there had been a debate ? ” to which he answered, “ he would take his word another time ; ” and whispered him in the ear, with some asseveration, “ that “ if the remonstrance had been rejected, he would “ have sold all he had the next morning, and never “ have seen England more ; and he knew there were “ many other honest men of the same resolution.” So near was the poor kingdom at that time to its deliverance.

However they got this victory, they did not in a long time recover the spirits they lost, and the agony they had sustained, whilst it was in suspense ; and they discerned well enough, that the House had not, at that time, half its members present ; though they had provided, that not a man of their party was absent ; and that they had even carried it by the hour of the night, which drove away a greater number of old and infirm opposers, than would have made those of the negative superior in number : so that they had little hope, in a fuller House, to prevail in any of their unjust designs, except they found some other expedient, by hopes or fears, to work upon the affections of the several members.

In order to which, they spent most part of the next day in their private consultations, how to chastise some of those who offended them the day before ; and resolved in the first place, not to suffer that precedent to be introduced into the House, “ that men “ should protest against the sense of the House : ” which, it is true, had not been used in the House of Commons. This subject was the more grateful to them, because they should heartily take revenge upon Mr.

Mr. Hyde, whom they perfectly hated ; and to whose activity they imputed the trouble they had sustained the day before ; and he was the first who made the protestation, that is, asked leave to do it ; which produced the other subsequent clamour, that was indeed in some disorder. But here they differed amongst themselves ; all the leading violent men, who bore the greatest sway, were most glad of the occasion, as it gave them opportunity to be rid of Mr. Hyde, which they passionately desired : but Sir John Hotham, Cholmondley, and Stapleton (who never severed, and had a numerous train attending their motions) remembered the service Mr. Hyde had done against the court of York, (the overthrowing whereof was their peculiar glory), and would not consent that they should question him ; but were ready to concur with them in the prosecution of any other of the protesters ; whereof there was number enough. This made so great a difference amongst them, that for the present they agreed no further, than “ that they would “ that afternoon only provide, that the next morning “ they would fall upon that matter ;” and then they might consult together at night, what person they would sacrifice.

About three of the clock, when the House met, Mr. Pym “ lamented the disorder of the night before, “ which, he said, might probably have engaged the “ House in blood, and had proceeded principally “ from the offering a protestation, which had never “ before been offered in that House, and was a trans-“ gression that ought to be severely examined, that “ mischief might not result hereafter from that pre-“ cedent : and therefore proposed, that the House “ would the next morning enter upon that examina-

“tion; and in the mean time, men might recollect
“themselves, and they, who used to take notes, might
“peruse their memorials; that the persons who were
“the chief causes of the disorder might be named,
“and defend themselves the best they could:” and
with this resolution the House arose; the vexation of
the night before being very visible in the looks and
countenance of many. Neither that night’s deli-
beration, nor all the artifice or importunity that could
be used, could remove the obstinate northern men
from their resolution: they declared positively, “that,
“if they prosecuted Mr. Hyde, they, and all their
“friends, would engage in his defence:” which made
the others resolve, not to incur the danger or incon-
venience of such a schism; and so they unanimously
agreed upon another person, whom they would accuse.

The next morning they first enlarged upon the of-
fence itself; “of the mischief it had like to have pro-
duced, and would unavoidably produce, if the cus-
tom or liberty of it were ever admitted; that it was
the first time it had ever been offered in that
House; and that care ought to be taken, that it
should be the last; by the severe judgment of the
House, upon those persons who had begun the pre-
sumption.”

Mr. Hyde, who had then known nothing of the
private consultation, and had many reasons to believe
himself to be designed, stood up (notwithstanding
some signs made to him at a distance by his northern
friends, which he understood not) and said, “It con-
cerned him to justify what he had done, being the
first man who mentioned the protestation:” upon
which there was a general noise and clamour “to
withdraw;” and as great “to speak:” he pro-
ceeded,

ceeded, and said, “ He was not old enough to know
“ the ancient customs of that House ; but, that he
“ well knew, it was a very ancient custom in the
“ House of Peers ; and leave was never denied there
“ to any man, who asked that he might protest, and
“ enter his dissent, against any judgment of the
“ House, to which he would not be understood to
“ have given his consent : that he did not understand
“ any reason, why a Commoner should not have the
“ same liberty, if he desired not to be involved in
“ any vote, which he thought might possibly be in-
“ convenient to him. That he had not offered his
“ protestation against the remonstrance, though he
“ had opposed it all he could, because it remained
“ still within those walls ; that he had only desired
“ leave to protest against the printing it ; which, he
“ thought, was not in many respects lawful for them
“ to do ; and might prove very pernicious to the
“ public peace.”

They were very much offended with all he said, and his assurance in speaking ; and Mr. Strode could not contain himself from saying, “ that that gentle-
“ man had confessed that he had first propos'd the
“ protestation ; and, therefore, desired he might with-
“ draw ;” which many others likewise called for : till Sir John Hotham appeared with some warmth
against it ; and young Hotham, his son, accused Jef-
fery Palmer “ of giving the cause of disorder, by say-
“ ing, *I do protest*, without asking the leave of the
“ House, and encouraging others to cry out every
“ man, *I do protest* :” whereupon they all fell into
great noise and confusion ; and so, without much
more discourse, Mr. Palmer was called upon “ to ex-
“ plain ;” which as he was about to do, Mr. Hyde
(who

(who loved him much, and had rather have suffered himself, than that he should) spoke to the orders of the House; and said, “that it was against the orders and practice of the House, that any man should be called upon to explain, for any thing he said in the House two days before; when it could not be presumed, that his own memory could recollect all the words he had used; or that any body else could charge him with them; and appealed to the House, whether there was any precedent of the like.” And there is no doubt, there never had been; and it was very irregular. But they were too positively resolved to be diverted; till, after two hours debate, he himself desired, “that, to save the House further trouble, he might answer, and withdraw;” which he did. When it drew towards night, after many hours debate, it was ordered, “that he should be committed to the Tower;” the angry men pressing, with all their power, “that he might be expelled the House;” having borne him a long grudge, for the civility he shewed in the prosecution of the Earl of Strafford; that is, that he had not used the same reproachful language which the others had done: but they were at last glad to compound for his bare commitment to the Tower: from whence he was within few days enlarged, and returned again to the House. In the close of that day, and the rising of the House, without much opposition, they obtained an order for the printing their remonstrance.

The remonstrance ordered to be printed.
The substance of it. That remonstrance, after many clauses and unbecoming expressions were cast out, contained, “that there had been, from the beginning of his Majesty’s reign, a malignant and pernicious design, of subverting the fundamental laws and principles of government,

“ vernment, upon which the religion and justice of
“ the kingdom was established : that the actors
“ and promoters thereof were the jesuited Papists ;
“ the Bishops and corrupt part of the Clergy ; and
“ such counsellors and courtiers, as had engaged
“ themselves to further the interests of some foreign
“ princes, or states, to the prejudice of the King and
“ State at home ; all which had endeavoured to raise
“ differences and discontents betwixt the King and his
“ people, upon questions of prerogative and liberty ;
“ to suppress the purity of religion, and such men as
“ were best affected to it, as the greatest impediment
“ to that change which they thought to introduce ;
“ to cherish and maintain those opinions in religion,
“ which brought ours nearest and most agreeable to
“ the Papists ; and to continue, multiply, and enlarge
“ the differences between the Protestants themselves,
“ distinguishing between Protestants and Puritans, by
“ introducing and countenancing such opinions and
“ ceremonies, as were fitteſt for accommodation with
“ Popery ; that ſo, of Papists, Arminians, and Liber-
“ tines, they might compose a body fit to act such
“ counſels and resoluſions, as were moſt conducible to
“ their own ends : and, laſtly, to render the King diſ-
“ affected to Parliaments, by flanders and false im-
“ putations, and ſo putting him upon other ways of
“ ſupply, as of more advantage than the ordinary
“ course of ſubſidies, which brought infinite loſs to
“ the King and people, and cauſed the diſtraſtions
“ that ensued.”

They remembered “ the breach of the Parliament
“ at Oxford, in the firſt year of his Maſteſty’s reign ;
“ and reproached him with the fruitleſs voyage to
“ Cadiz, at his firſt coming to the Crown ; the loſs
“ of

“ of Rochelle, by first suppressing their fleet with his
“ own royal ships, by which the Protestant religion
“ in France infinitely suffered ; the making a war
“ with France precipitately, and a peace with Spain,
“ without their consent, and so deserting the cause of
“ the Palatinate ; and with a design to bring in Ger-
“ man horse, to force the kingdom, by violence, to
“ submit to such arbitrary contributions, as should be
“ required of them.”

They remembered him “ of charging the kingdom
“ by billeting of soldiers, and by raising of coat and
“ conduct money for those soldiers, in the second and
“ third years of his reign ; of his dissolving the Par-
“ liament in his second year, after their declaration
“ of an intent to grant five subsidies ; and the exact-
“ ing those five subsidies afterwards by a commission
“ of loan ; upon the refusal whereof, divers gentle-
“ men were imprisoned, whereof some died, by the
“ diseases they contracted in that imprisonment ; of
“ great sums raised by privy-seals ; and of an at-
“ tempt to set the excise on foot.”

They remembered “ the dissolution of the Parlia-
“ ment in the fourth year of his reign, and the un-
“ true and scandalous declarations thereupon ; the im-
“ prisoning divers members of that Parliament after
“ the dissolution, and detaining them close prisoners
“ for words spoken in Parliament ; sentencing and fin-
“ ing them for those words ; one of which died in
“ prison, for want of ordinary refreshment, whose
“ blood (they said) still cried for vengeance.”

They reproached his Majesty “ with injustice, op-
“ pression, and violence, which, after the breaking of
“ that Parliament, broke in upon them, without any
“ restraint or moderation ; with the great sums of
“ money

“ money he had exacted throughout the kingdom
“ for default of knighthood, in the fourth year of his
“ reign ; with the receiving tonnage and poundage
“ from the death of King James ; and raising the
“ book of rates, and laying new impositions upon
“ trade ; with the enlargement of forests, and compo-
“ sitions thereupon ; the ingrossing gun-powder, and
“ suffering none to buy it without licence ; with all
“ the most odious monopolies of soap, wine, salt, lea-
“ ther, sea-coal, and the rest,” (which had been
granted from his Majesty’s first coming to the Crown,
and some of them before), “ with the new tax of ship-
“ money, and the ill-guarding the seas, and leaving
“ the merchants naked to the violence of the Turkish
“ pirates, notwithstanding that extraordinary and ex-
“ travagant supply ; with the vexations upon pre-
“ tence of nuisances in building, and thereupon rais-
“ ing great sums of money for licences to build ; and
“ of depopulation, that men might pay fines to con-
“ tinue the same misdemeanor ; with the seizing the
“ merchants money in the mint ; and an abominable
“ project of making brass money.”

They repeated “ the extravagant censures of the
“ Star-Chamber, whereby the subject had been op-
“ pressed by fines, imprisonments, stigmatizing, muti-
“ lations, whippings, pillories, gags, confinements,
“ banishments ; the severe and illegal proceedings of
“ the Council-Table, and other new-erected judicato-
“ ries ; and the suspensions, excommunications, and
“ deprivations of learned and pious ministers, by the
“ High Commission Court ; which grew to that ex-
“ cess of sharpness and severity, that they said it was
“ not much less than the Romish inquisition.”

They reproached the King “ with the Liturgy and
“ Canons

“ Canons sent into Scotland, as an attempt upon the
“ Protestant religion ; with the forcing that nation to
“ raise an army in their own defence, and raising an
“ army against them ; with the pacification, and
“ breach of that pacification ; that he called a Par-
“ liament after, in hope to corrupt it, and make it
“ countenance the war with Scotland ; which when
“ he found it would not do, he dissolved it, and then
“ committed members to prison ; and compelled men
“ to lend money against their wills ; and imprisoned
“ such as refused.”

They mentioned “ the synod held by the Bishops
“ after the end of the Parliament, and the canons and
“ oath made by them ; the raising the armies here,
“ and in Ireland, against the Scots ; and the liberal
“ collection and contribution from the Clergy, and
“ the Catholics, towards that war ; all the favours
“ that had been done to the Papists ; the reception
“ and entertainment of Seignior Con, and the Conte
“ Rozetti, by the Queen, from Rome ; and some mi-
“ nisters sent by her Majesty thither.”

In a word, they left not any error or misfortune
in government, or any passionate exercise of power,
unmentioned, or unpressed ; with the sharpest and
most pathetical expressions to affect the people, that
the general observation of the wisest, or the particular
animosity of the most disengaged, or ill-affected per-
sons, could suggest, to the disadvantage of the King,
from the death of his father, to the unhappy begin-
ning of the present Parliament.

Then they magnified their own services : “ that
“ having found the kingdom groaning under these
“ difficulties, which seemed to be insuperable, they
“ had, by the Divine Providence, overcome them
“ all ;

“ all ; that they had abolished ship-money, and all
“ monopolies ; and had taken away that which was
“ the root of all those evils, the arbitrary power of
“ taxing the subject, pretended to be in the King :
“ that the living grievances, the evil counsellors, were
“ so quelled, by the justice done on the Earl of Straf-
“ ford ; the flight of the Lord Finch, and Secretary
“ Windesbank ; the accusation and imprisonment of the
“ Archbishop of Canterbury, and other delinquents ;
“ that it was not like to be only an ease to the pre-
“ sent times, but a preservation to the future.”

They reckoned up “ all the good laws, and the be-
“ nefit the people received by those laws ; spoke of
“ many good designs they had for the benefit of the
“ kingdom :” but then complained “ of oppositions,
“ and obstructions, and difficulties, with which they
“ were encountered, and which still lay in their way,
“ with some strength, and much obstinacy ; that there
“ was a malignant party took heart again, that pre-
“ fered some of their own agents and factors to de-
“ grees of honour, and to places of trust and employ-
“ ment. That they had endeavoured to work in his
“ Majesty ill impressions and opinions of their pro-
“ ceedings ; as if they had done altogether their own
“ work, and not his ; and had obtained many things
“ from him prejudicial to the Crown, in respect of
“ prerogative and profit. To wipe out which slander,
“ they declared, all they had done was for his Ma-
“ jesty, his greatness, honour, and support : that,
“ when they gave five and twenty thousand pounds a
“ month, for the relief of the northern counties, in
“ the support of the Scottish army, it was given to the
“ King, for that he was bound to protect his sub-
“ jects ; and that, when they undertook the charge of
“ the

“ the army, which cost above fifty thousand pounds
“ a month, it was given to the King, for that it was
“ his Majesty’s army, and the commanders and sol-
“ diers under contract with him ; and that, when
“ they undertook to pay their brethren of Scotland
“ three hundred thousand pounds, it was to repair the
“ damages and losses they had sustained by his Ma-
“ jesty and his ministers ; and that those particu-
“ lars amounted to above eleven hundred thousand
“ pounds.”

Then they negligently and perfunctorily passed over his Majesty’s graces and favours, “ as being little more than in justice he was obliged to grant, and of no considerable loss and damage to himself ; and promised the good people shortly ease in the matter of protections, (by which the debts from Parliament-men, and their followers, and dependents, were not recoverable), and speedily to pass a bill to that purpose.”

Then they inveighed against the malignant party, “ that had sought to cause jealousies between them and their brethren of Scotland ; and that had such a party of Bishops and Popish Lords in the House of Peers, as hindered the proceedings of divers good bills, passed in the Commons House, concerning sundry great abuses and corruptions both in Church and State,” (when, at that time, the House of Peers had only refused to concur with them in two bills, that of the protestation ; and, the taking away the votes of Bishops out of the House of Peers), “ that had attempted to disaffect and discontent his Majesty’s late army, and to bring it up against the Parliament, and city of London ; that had raised the rebellion in Ireland ; and, if not by their wisdom prevented, had

" had brought the like misery and confusion in this kingdom."

Then they declared, " that they meant to have a general synod of the most grave, pious, learned, and judicious divines of this island ;" (when at that time there was scarce one orthodox divine in England in reputation with them) ; " who, assisted by some from foreign parts, professing the same religion, should consider of all things necessary for the peace and good government of the Church ; and present the result of their consultations to the Parliament, to be there allowed and confirmed : that they would provide a competent maintenance for conscientious and preaching ministers, throughout the kingdom : that they intended to reform and purge the fountains of learning, the two Universities ; that the streams flowing from thence might be clear and pure, and an honour and comfort to the whole land : that his Majesty should be petitioned by both Houses, to employ such counsellors, ambassadors, and other ministers, in managing his busines at home and abroad, as the Parliament have cause to confide in ; without which, they could not give his Majesty such supplies for his own support, or such assistance for the Protestant party beyond the seas, as was desired."

Withal they declared, " that the Commons might have cause, often, justly to take exceptions at some men for being counsellors, and yet not charge those men with crimes ; for that there are grounds of diffidence, which lie not in proof ; and others, which though they may be proved, yet are not legally criminal ; as to be a known favourer of Papists ; or to have been very forward in defending

“ or countenancing some great offenders, questioned
“ in Parliament ; or to speak contemptuously of either
“ House of Parliament, or parliamentary proceedings ;
“ or such as are suspected to get counsellors places,
“ or any other of trust concerning public employ-
“ ment, for money : that all good courses may be
“ taken, to unite the two kingdoms of England and
“ Scotland ; to be mutually aiding and assisting one
“ another, for the common good of the island, and
“ the honour of both :” with some other particulars
of this nature.

The ways
by which
the party
grew in the
House of
Commons.

I know not how those men have already answered it to their own consciences ; or how they will answer it to him who can discern their consciences ; who, having assumed their country's trust, and, it may be, with great earnestness laboured to procure that trust, by their supine laziness, negligence, and absence, were the first inlets to those inundations ; and so contributed to those licences which have overwhelmed us. For, by this means, a handful of men, much inferior in the beginning, in number and interest, came to give laws to the major part ; and to shew that three diligent persons are really a greater and more significant number, than ten unconcerned, they, by plurality of voices, in the end, converted or reduced the whole body to their opinions. It is true, men of activity and faction, in any design, have many advantages, that a composed and settled council, though industrious enough, usually have not ; and some, that gallant men cannot give themselves leave to entertain : for, besides their through considering and forming their counsels before they execute them, they contract a habit of ill nature and disingenuity necessary to their affairs, and the temper of those

those upon whom they are to work, that liberal-minded men would not persuade themselves to entertain, even for the prevention of all the mischief the others intend. And whosoever observes the ill arts, by which these men used to prevail upon the people in general ; their absurd, ridiculous lying, to win the affections, and corrupt the understandings, of the weak ; and the bold scandals, to confirm the wilful ; the boundless promises they presented to the ambitious ; and their gross, abject flatteries, and applications, to the vulgar-spirited, would hardly give himself leave to use those weapons, for the preservation of the three kingdoms.

The King had at that time a greater disadvantage (besides the concurrence of ill and extraordinary accidents) than himself, or any of his progenitors, had ever had before ; having no servant of the House of Commons, of interest, ability, and reputation, and of faithfulness and affection to his service : Sir Thomas Jermyn, who was very honest to him, and of good abilities, through his indisposition of health, and trouble of mind for his son's misfortune, having left the House, and the Court, and being retired into the country ; and Sir Harry Vane (who was the other only Privy-Councillor) having committed those faults to the King, he knew could not be forgiven ; and those faults to the country, could not be forgotten ; gave himself entirely to the disposition of his new masters : and Mr. Saint-John, who at the beginning was made Solicitor General, and thereby had obliged himself, by a particular oath, “to defend his Majesty’s rights, and in no case to be of counsel, or “give advice, to the prejudice of the King, and the

"Crown ;" was the chief instrument to devise and contrive all the propositions and acts of undutifulness towards him. So that, whilst these men, and their consorts, with the greatest deliberation, consulted, and disposed themselves to compass confusion ; they, who out of the most abstracted sense of loyalty to the King, and duty to their country, severed from any relations to the King's service, or hopes from the Court, preserved their own innocence, and endeavoured to uphold the good old frame of government, received neither countenance nor conduct from those who were naturally to have taken care of that province. And sure the raging and fanatic distemper of the House of Commons (to which all other distempers are to be imputed) must most properly be attributed to the want of such good ministers of the Crown in that assembly, as being unawed by any guilt of their own, could have watched other men's ; and informed, encouraged, and influenced those, who stood well inclined to the public peace.

To which purpose, if that stratagem (though none of the best) of winning men by places, had been practised, as soon as the resolution was taken at York to call a Parliament, (in which, it was apparent, dangerous attempts would be made ; and that the Court could not be able to resist those attempts), and if Mr. Pym, Mr. Hambden, and Mr. Hollis, had been then preferred with Mr. Saint-John, before they were desperately embarked in their desperate designs, and had innocence enough about them, to trust the King, and be trusted by him ; having yet contracted no personal animosities against him ; it is very possible, that they might either have been made instruments to have done

done good service ; or at least been restrained from endeavouring to subvert the royal building, for supporting whereof they had been placed as principal pillars.

But the rule the King gave himself, (very reasonable at any other time), that they should first do service, and compass this or that thing for him, before they should receive favour, was then very unseasonable : since, besides that they could not in truth do him that service without the qualification, it could not be expected they would desert that side, by the power of which they were sure to make themselves considerable, without an unquestionable mark of interest in the other, by which they were to keep up their power and reputation : and so, whilst the King expected they should manifest their inclinations to his service, by their temper and moderation in those proceedings that most offended him ; and they endeavoured, by doing all the hurt they could, to make evident the power they had to do him good ; he grew so far disengaged and provoked, that he could not in honour gratify them ; and they so obnoxious and guilty, that they could not think themselves secure in his favour : and thence, according to the policy and method of injustice, continued to oppress that power they had injured ; and to raise a security for themselves, by disabling the King to question their transgressions.

Notwithstanding all these contrivances to lessen the reputation of the Court, (to which many other particulars contributed, which will be touched hereafter), the city of London made great preparations to receive the King. Gourney, then Lord Mayor, was a man of wisdom and courage, and expressed great indignation, to see the city so corrupted, by the ill artifices of factious persons ; and therefore attended upon his

The King's
reception in
London
upon his re-
turn out of
Scotland,
Nov. 25.

Majesty, at his entrance into the city, with all the lustre and good countenance it could shew; and ~~as~~ great professions of duty as it could make, or the King expect. And on Thursday, the five and twentieth of November, the King entered into London; received with the greatest acclamations of joy, that had been known upon any occasion; and after a most magnificent entertainment, by Sir Richard Gourney, Lord Mayor, at the Guildhall; where the King, Queen, Prince, and the whole Court of Lords and Ladies, were feasted; his Majesty was attended by the whole city to Whitehall, where he lodged that night; and the Earl of Essex resigned his commission of General on this side Trent; which had been granted for the security of the kingdom, at his Majesty's going into the North.

Sir H. Vane turned out from being Secretary of State.

The next day, the King went to Hampton-Court; and as soon as he came thither, took away the seals from Sir Henry Vane, (having before taken away his staff of Treasurer of the Household from him, and conferred it upon the Lord Savile, in lieu of the Presidentship of the North; which he was to have had, if both Houses had not declared that commission to be illegal), and appointed the Guards that were kept at Westminster, for the security of the two Houses, ever since the news out of Scotland, to be dismissed; and shortly after published a proclamation, “for “obedience to be given to the laws established, for “the exercise of religion.”

A petition presented to the King, together with the remonstrance, on Dec. 1. and printed.

These proceedings of his Majesty much troubled the managers in the House; and the entertainment given to him by the city of London, in which their entire confidence was, much dejected them; and made them apprehend, their friends there were not so powerful

powerful as they expected. However, they seemed to abate nothing of their mettle ; and, shortly after his return, resolved to present their remonstrance, lately framed, to him, together with a petition ; in which they complained “ of a malignant party, which “ prevailed so far, as to bring divers of their instru-“ ments to be of his Privy-Council ; and in other em-“ plements of trust and nearness about his Majesty, “ the Prince, and the rest of his children : to which “ malignant party, amongst other wickednes, they “ imputed the insurrection of the Papists in Ireland ; “ and therefore, for the suppressing that wicked and “ malignant party, they besought his Majesty, that “ he would concur with his people, in a parliamen-“ tary way, for the depriving the Bishops of their “ votes in Parliament,” (when at that time the bill to that purpose had not passed the House of Peers), “ and abridging their immoderate power over the “ Clergy ; and for the removing unnecessary ceremon-“ nies, by which divers weak consciences had been “ scrupled ; that he would remove from his council “ such persons as persisted to favour any of those “ pressures wherewith the people had been grieved ; “ and that he would for the future employ such “ persons in the public affairs, and take such to be “ near him in places of trust, as his Parliament might “ have cause to confide in ; and that he would reject “ and refuse all mediation and solicitation to the con-“ trary, how powerful and near soever ; that he would “ forbear to alienate any of the forfeited and escheated “ lands in Ireland, which should accrue to the Crown, “ by reason of this rebellion. Which desires of theirs “ being graciously fulfilled by his Majesty, (they “ said), they would apply themselves to such courses

“ and counsels, as should support his royal estate
“ with honour and plenty at home, with power and
“ reputation abroad ; and by their loyal affections
“ and service lay a sure and lasting foundation of the
“ greatness and prosperity of his Majesty, and his royal
“ posterity in future times.”

This petition, together with the remonstrance, was presented at Hampton Court, on the first day of December ; and within few days after, both the petition and remonstrance were by order printed, and with great industry published throughout the kingdom. Albeit the King, at the receipt thereof, desired them not to publish either, till he should send his answer : which he did shortly after, expressing,

The King's answer to the petition.
“ How sensible he was of that disrespect ; repre-
“ hending them for the unparliamentariness of their
“ remonstrance in print ; whereof,” he said, “ he
“ would reserve to himself to take such course, as he
“ should think fit, in prudence and honour.” But to
their petition, he told them, “ that if they would
“ make that wicked and malignant party, whereof
“ they complained, known to his Majesty, he would
“ be as ready to suppress and punish it, as they could
“ be to complain ; that by those counsellors, whom
“ he had exposed to trial, he had given sufficient tes-
“ timony, that there was no man so near him, in place
“ or affection, whom he would not leave to the jus-
“ tice of the law, if they should bring sufficient
“ proofs, and a particular charge against him : in the
“ mean time, he wished them to forbear such general
“ aspersions, as, since they named none in particular,
“ might reflect upon all his Council ; that, for the
“ choice of his Counsellors, and Ministers of State,
“ it was the natural liberty all freemen have, and the
“ *undoubted*

“undoubted right of the Crown, to call such to his secret council, and public employment, as he should think fit; yet he would be careful to make election of such, as should have given good testimonies of their abilities and integrity, and against whom there could be no just cause of exception; that for the depriving the Bishops of their votes in Parliament, they should consider, that their right was grounded upon the fundamental law of the kingdom, and constitution of Parliament.

“For what concerned religion, church government, and the removing unnecessary ceremonies, if the Parliament should advise him to call a national synod, he should consider of it, and give them due satisfaction therein; declaring his resolution to maintain the doctrine and discipline established by law, as well against all invasions of popery, as from the irreverence of schismatics and separatists; wherewith, of late, this kingdom and this city abounds, to the great dishonour and hazard both of Church and State; for the suppression of whom, his Majesty required their timely and active assistance.

“To their desire concerning Ireland, he told them, he much doubted whether it were seasonable to declare resolutions of that nature, before the events of the war were seen: however, he thanked them for their advice; and conjured them to use all possible diligence and expedition in advancing the supplies thither; the insolence and cruelty of the rebels daily increasing.”

The graciousness and temper of this answer made no impression on them; but they proceeded in their usual manner; framing and encouraging, underhand, those whispers, by which the rebellion in Ireland might

might be understood to receive some extraordinary countenance from the Court of England, the scandal whereof, they knew, would quickly fall upon the Queen.

At this time, the diligence and dexterity of the Lord Mayor caused an address to be prepared to his Majesty from the Court of Aldermen ; which was sent by the two Sheriffs, and two others of that body; by which “ his Majesty was humbly desired to reside at “ Whitehall :” which angered the governing party as much as their kind reception had done. The petition was graciously received ; all the Aldermen knighted ; and the Court, within a day or two, removed to Whitehall.

Affairs in Ireland.

The letters out of Ireland were very importunate for relief, of men, money, and provisions ; the rebels very much increasing and taking courage, from the slow proceeding here for their suppression : which indeed was not advanced equal to men’s expectations ; though the King, upon his first coming to the Houses after his return from Scotland, with great earnestness recommended it to them. Only the propositions made from Scotland, “ for the sending ten “ thousand men from thence into Ulster, to be paid “ by the Parliament,” were consented to ; whereby some soldiers were dispatched thither, to defend their own plantation ; and did in truth, at our charge, as much oppress the English that were there, as the rebels could have done ; and had upon the matter the sole government of that province committed to them, the chief towns and garrisons, which were kept by English, being delivered into their hands. The Lieutenant himself, the Earl of Leicester, (who was now grown gracious to the managers), made not that haste

to

to his charge some men thought necessary ; pretending “ that the rebels had yet some apprehensions and “ terror of his coming thither with great forces, and “ provisions of all kinds ; but, that if they should “ hear he were landed, with so small a strength as was “ yet raised, and in no better equipage than he was “ yet able to go in, they would take courage, and “ would oppres him, before more succours could “ come ; by reason, that they who yet stood upon “ their guard, and publicly sided not with either, (till, “ by the resistance and opposition they found pre- “ pared for them, they might gues who was like to “ prevail), would then freely declare, and join with the “ rest.”

The slow levying of men was imputed to the difficulty of getting volunteers ; their numbers, who had commission, upon beating drums, rising very insconsiderably : and therefore they prepared a bill for pressing ; which quickly passed the Commons, and was sent up to the Lords. It cannot be supposed, that there could be then a scarcity of men, or that it could be hard, within three months after the disbanding the northern army, to bring together as many men as they had occasion to use : but their business was to get power, not men ; and therefore this stratagem was used, to transfer the power of pressing men from the King to themselves ; and to get the King, that he might be now able to raise men for Ireland, to disable himself from pressing upon any other occasion. For, in the preamble of this bill, which they sent up to the Lords, (as they had done before the first act for tonnage and poundage), they declared, “ that the King had in no case, or upon any occa- “ sion, but the invasion from a foreign power, autho- “ rity

A bill pre-
pared in the
House of
Commons
for pressing
men for
Ireland.

“ rity to press the freeborn subject ; which could not
“ consist with the freedom and liberty of his person.”

The preamble of the bill, as it came from the Commons, excepted against in the House of Lords.

This doctrine was new to the Lords, and contrary to the usage and custom of all times ; and seemed to them a great diminution of that regal power, which was necessary for the preservation of his own subjects, and assistance of his allies ; which in many cases he was bound to yield. And the Attorney General took the courage “ to desire the Lords, (as he should often have done in other cases), “ that he might be heard “ on the King’s behalf, before they consented to a “ clause so prejudicial to the King’s prerogative.” This necessary stop was no sooner made, than the Commons laid aside the consideration of Ireland ; ordered their Committee “ to meet no more about that “ busines ;” the levies, which were then making of volunteers, stood still ; and they declared, “ that “ the loss of Ireland must be imputed to the Lords.” On the other side, the Lords too well understood that logic, to be moved by it ; and were rather sensible of the inconveniences they had incurred by their former compliance, than inclined to repeat the same error.

In the mean time, letters came every day from Ireland, passionately bemoaning their condition ; and multitudes of men, women, and children, who were despoiled of their estates, and forced into this kingdom for want of bread, spoke more lamentably than the letters. In this strait, they knew not what to do ; for whatever discourse they pleased themselves with, concerning the Lords, it was evident the fault would lie at their own doors ; besides that, his Majesty might make use of that occasion, to take the whole busines out of their hands, and manage it himself by his council ; which would both lessen their reputation

tion and interest, and indeed defeat much of what they had projected.

Hereupon, Mr. Saint-John, the King's Solicitor, (a man that might be trusted in any company), went privately to his Majesty ; and seemed to him much troubled "at the interruption given by the Commons ;" "and to grant, that the preamble was unreasonable, "and ought to be insisted against by the Lords, on "the behalf of his Majesty's prerogative : however, "he told him, since he thought it impossible to rectify the Commons in their understandings, it would "be a great blessing to his Majesty, if he could offer "an expedient to remove that rub, which must prove "fatal to Ireland in a short time ; and might grow to "such a disunion between the two Houses, as might "much cloud the happiness of this kingdom ; and, "undoubtedly, could not but have a very popular influence upon both, when both sides would be forwarder to acknowledge his Majesty's great wisdom "and piety, than they could be now made to retract "any thing that was erroneous in themselves :" and then "advised him to come to the Houses ; and to "express his princely zeal for the relief of Ireland ; "and taking notice of the bill for pressing, depending with the Lords, and the dispute raised, concerning that ancient and undoubted prerogative, to "avoid further debate, to offer, that the bill should "pass with a *salvo jure*, both for the King and people ; leaving such debates to a time that might better bear it."

Which advice his Majesty followed ; and coming to the House^{The King puts it in practice.}, said the very words he had proposed to him. But now their business was done, (which truly, I think, no other way could have been compassed), the

The Lords and Commons declare this to be a breach of privilege, in a petition to the King. the divided Lords and Commons presently unite themselves in a petition to the King ; “ acknowledging his royal favour and protection to be a great blessing and security to them, for the enjoying and preserving all those private and public liberties and privileges which belong unto them ; and whensof-

“ ever any of those liberties or privileges should be invaded, they were bound, with humility and confidence, to resort to his princely justice for redress and satisfaction ; because the rights and privileges of Parliament were the birth-right and inheritance, not only of themselves, but of the whole kingdom, wherein every one of his subjects was interested : that amongst the privileges of Parliament, it was their ancient and undoubted right, that his Majesty ought not to take notice of any matter in agitation, and debate, in either House of Parliament, but by their information and agreement ; and that his Majesty ought not to propound any condition, provision, or limitation, to any bill, or act, in debate or preparation, in either House of Parliament ; or to declare his consent or dissent, his approbation or dislike, of the same, before it be presented to him in due course of Parliament. They declared, that all those privileges had been lately broken, to their great sorrow and grief, in that speech which his Majesty had made to them ; wherein he took notice of a bill for pressing of soldiers, not yet agreed upon ; and offered a *salvo jure*, and provisional clause, to be added to it, before it was presented to him : and therefore they besought him, by his royal power to protect them, in those and the other privileges of his High Court of Parliament ; and that he would not, for the time to come, break or interrupt

" interrupt them; and that, for the reparation of
" them in that their grievance and complaint, he
" would declare and make known the name of such
" person, by whose misinformation, and evil counsel,
" his Majesty was induced to the same, that he might
" receive condign punishment. And this they did
" desire, and, as his greatest and most faithful coun-
" cil, did advise his Majesty to perform, as a great
" advantage to him, by procuring and confirming a
" confidence and unity betwixt his Majesty and his
" people, &c."

And having delivered this petition, they no more considered Ireland, till this manifest breach should be repaired; which they resolved nothing should do, but the passing the bill: and therefore, when the King offered, by a message sent by the Earl of Essex, "that he would take care, by commissions which he would grant, that ten thousand English volunteers should be speedily raised for the service of Ireland, "if the Houses would declare that they would pay them;" the overture was wholly rejected; they neither being willing that such a body of men should be raised by the King's direction, (which would probably be more at his devotion than they desired), nor in any other way than they proposed: and so in the end (after other ill accidents intervening, which will be remembered in order) he was compelled to pass the bill concerning pressing, which they had prepared.

However, for all this, and the better, it may be, for all this, the King, upon his arrival at Whitehall, found both his Houses of Parliament of a much better temper than they had been; many having great indignation to see his Majesty so ill treated by his own

Whereupon
the bill con-
cerning
pressing
passed.

own servants, and those who were most obliged to his bounty and magnificence; and likewise to discern how much ambition and private interest was covered under public pretences. They who were in truth zealous for the preservation of the laws, the religion, and true interest of the nation, were solicitous to preserve the King's honour from any indignity, and his regal power from violation; and so always opposed those who intrenched upon either, and who could compass their ends by no other means than by trampling upon both. So that, in truth, that which was called the King's party, in both Houses, was made up of persons who were strangers, or without any obligation, to the Court; of the best fortunes, and the best reputation, in their several countries where they were known; as having always appeared very zealous in the maintenance of their just rights, and opposed, as much as in them lay, all illegal and grievous impositions: whilst his own Privy-Council, (two or three only excepted), and much the greater number of all his own servants, either publicly opposed, or privately betrayed him; and so much the more virulently abhorred all those who now appeared to carry on his service, because they presumed to undertake, at least endeavour, (for they undertook nothing, nor looked for any thanks for their labour) to do that which themselves ought to have done; and so they were upon this disadvantage, that whenever they pressed any thing in the House, which seemed immediately to advance the King's power and authority, some of the King's council, or his servants, most opposed it, under the notion "of being prejudicial to the King's "interest:" whilst they who had used to govern and impose upon the House, made a shew of being more modest,

modest; and yet were more insolent; and endeavoured, by setting new counsels on foot, to entangle, and engage, and indeed to over-reach the House; by cozening them into opinions which might hereafter be applicable to their ends, rather than to pursue their old designs, in hope to obtain in the end a success by their authority. The night of the remonstrance had humbled them in that point: and from that time, they rather contrived ways to silence those who opposed them; by traducing them abroad, or taking advantage against them in the House, for any expressions they used in debate which might be misinterpreted; and so calling them to the bar, or committing them to the Tower: which did in truth strike such a terror into the minds of many, that they forbore to come to the House, rather than expose themselves to many uneasinesses there.

There was at that time, or thereabout, a debate started in the House, as if by mere chance, which produced many inconveniences after; and, if there had not been too many concurrent causes, might be thought the sole cause and ground of all the mischiefs that ensued. Upon some report, or discourse of some accident, which had happened upon or in the disbanding the late army, an obscure member moved,

"That the House would enter upon the consideration, "whether the militia of the kingdom was so settled "by law, that a sudden force, or army, could be "drawn together, for the defence of the kingdom, if "it should be invaded, or to suppress any insurrection or rebellion, if it should be attempted."

A proposal in the House of Commons, for a committee to consider of the present state and power of the militia:

The House kept a long silence after the motion, the newness of it amusing most men, and few in truth understanding the meaning of it; until one and

another of the members, who were least taken notice of, seeming to be moved by the weight of what had been said, enlarged upon the same argument : and in the end it was proposed, “ That a committee might be “ appointed, to consider of the present state of the “ militia, and the power of it ; and to prepare such “ a bill for the settling it, as might provide for the “ public peace, and for the suppressing any foreign- “ enemy, or domestic insurrection.”

This de-
bated :

Hereupon they were inclined to nominate a committee, to prepare such a bill as should be thought necessary : upon which Mr. Hyde spoke against the making any such committee ; said, “ There could be “ no doubt, that the power of the militia resided in “ the King, in whom the right of making war and “ peace was invested ; that there had never yet ap- “ peared any defect of power, by which the kingdom “ had been in danger, and we might reasonably ex- “ pect the same security for the future.” With which the House seemed well satisfied and composed, and inclined to go on upon some other debate, until Saint-John, the King’s Solicitor, and the only man in the House of his learned council, stood up, and said,

and Sol.
Gen. Saint-
John de-
clares the
power of it
not to be in
the King :

“ He would not suffer that debate, in which there “ had been so many weighty particulars mentioned, “ to be discontinued without some resolution : that “ he would be very glad there were that power in the

“ King, (whose rights he was bound to defend), as “ the Gentleman who spoke last seemed to imagine ; “ which, for his part, he knew there was not ; that “ the question was not about taking away power from “ the King, which was vested in him, (which was his “ duty always to oppose), but to inquire, whether “ there be such a power in him, or any where else, as
“ is

“ is necessary for the preservation of the King and
“ the people, in many cases that may fall out ; and if
“ there be not, then to supply him with that power
“ and authority ;” and said, “ he did take upon him
“ with confidence to affirm, that there was a defect
“ of such power and authority :” he put them in
mind, “ how that power had been executed in the
“ age in which we live ; that the Crown had granted
“ commissions to great men, to be Lord Lieutenants
“ of counties ; and they to gentlemen of quality, to
“ be their Deputy Lieutenants ; and to Colonels, and
“ other officers, to conduct and lift soldiers ; and
“ then he wished them to consider, what votes they
“ had passed, of the illegality of all those commis-
“ sions, and of the unjustifiableness of all the pro-
“ ceedings which had been by virtue of those com-
“ missions ; so that let the occasion or necessity be
“ what it would, he did presume, no man would here-
“ after execute any such commission ; and if there
“ were any man so hardy, that no body would obey
“ them ; and therefore desired them to consider, whe-
“ ther there be not a defect of power, and whether it
“ ought not to be supplied.”

It was now evident enough, that the debate was not begun by chance, but had been fully deliberated ; and what use they would make, upon occasions, of those volumes of votes, they had often poured out upon all accidental debates ; and no man durst take upon him to answer all that had been alleged, by saying, all those votes were of no validity ; and that the King’s right was, and would be, judged the same it had been before, notwithstanding those votes ; which is very true : but this being urged by the King’s own Solicitor, they appointed him “ to bring in and pre-

He is appointed to bring in a bill to settle that matter; which he does. “ pare such a bill as he thought necessary ; ” few men imagining that such a sworn officer would not be very careful and tender of all his Master’s prerogatives, which he was expressly sworn to defend.

Within few days after, he brought in a very short bill, in which was mentioned by way of preface, “ That “ the power over the militia of the kingdom was not “ settled in any such manner, that the security of the “ kingdom was provided for, in case of invasion or in-“ surrection, or any sudden accidents ; ” and then an enacting clause, “ That henceforward the militia, and “ all the power thereof, should be vested in — &c.” and then a large blank left for inserting names ; and afterwards, “ the absolute authority to execute — &c.” The ill meaning whereof was easily understood ; and with some warmth pressed, “ That by this bill all “ the power would be taken out of the Crown, and “ put into the hands of Commissioners.” To which the Solicitor made answer, “ That the bill took no “ power from any body who had it, but provided to “ give power where it was not ; nor was there men-“ tion of any Commissioners ; but a blank was there-“ fore left, that the House might fill it up as they “ thought fit, and put the power into such hands as “ they thought proper ; which, for aught he knew, “ might be the King’s ; and he hoped it would be “ so.”

The bill received.

And with this answer the bill was received, notwithstanding all opposition, and read ; all those persons who had been formerly Deputy Lieutenants, and lay under the terror of that vote, presuming, that this settlement would provide for the indemnity of all that had passed before ; and the rest, who might still be exposed to the same hazards, if they should be required

quired to act upon the like occasions, concurring in the desire, that somewhat might be done for a general security; and they who had contrived it, were well enough contented that it was once read; not desiring to prosecute it, till some more favourable conjuncture should be offered: and so it rested.

About this time, the King not being well satisfied in the affection or fidelity of Sir William Balfour, whom he had some years before, to the great and general scandal, and offence of the English nation, made Lieutenant of the Tower; and finding that the seditious preachers every day prevailed in the city of London, and corrupted the affections and loyalty of the meaner people towards the government of the Church and State; resolved to put that place (which some men fancied to be a bridle upon the city) into the hands of such a man as he might rely upon: and yet, he was willing to be quit of the other, without any act of disobligation upon him; and therefore gave him three thousand pounds, ready money, which was raised by the sale of some of the Queen's own jewels: and immediately caused Colonel Lunsford to be sworn in his place, Lieutenant of the Tower.

The King
dismisses Sir
William
Balfour
from being
Lieutenant
of the
Tower.

Colonel
Lunsford
put in his
place.

This was no sooner known, than the House of Commons found themselves concerned in it; and upon pretence "that so excellent a person as Sir William Balfour (who in truth was very gracious to them, "for the safe keeping the Earl of Strafford) could "not be removed from that charge, but upon some "eminent design against the city and the kingdom; "and that the man who was appointed for his successor was "a person of great licence, and known "only by some desperate acts; for which he had "been formerly imprisoned by the State, and having

" made his escape, fled the kingdom : they desired " the Lords to join with them in a petition to the " King, to put the Tower into better hands ;" making such arguments against the person of the man, as before spoken of. The Lords replied to them, " That " it was an argument of that nature, they thought " not themselves competent advisers in it; the custody " of the Tower being solely at the King's disposal, " who was only to judge of the fitness of the person " for such a charge." But at the same time that they refused to join in a public desire to the King, they intimated privately their advice to him, " that he " should make choice of a fitter person, against whom " no exceptions could be made." For indeed Sir Thomas Lunsford was not then known enough, and of reputation equal to so invidious a province ; and thereupon, within two or three days at most, he resigned the place, and the King gave it Sir John Byron.

The Colonel
resigns, and
Sir John
Byron is
put in.

This gave them no satisfaction in the change, since it had no reference to their recommendation ; which they only looked after : but it gave them great delight, to see that the King's counsels were not so fixed, but their clamour might alter them ; and that doing hurt, being as desirable a degree of power to some men, as doing good, and likely to gain them more profelytes, they had marred a man, though they could not make one. And without doubt, it was of great disadvantage to the King, that that council had not been formed with such deliberation, that there would need no alteration ; which could not be made, without a kind of recognition.

All this time the bill depended in the Lords' House, " for the taking away the votes of Bishops, and re-
" moving

" moving them from the House of Peers ;" which was Touching the bill against the Bishops' Votes, depending in the House of Peers.
 not like to make a more prosperous progress there, than it had six months before ; it being evident, that the jurisdiction of the peerage was invaded by the Commons ; and therefore, that it was not reasonable to part with any of their supporters. But the virulence against them still increased ; and no churches frequented, but where they were preached against, as Antichristian ; the presses swelled with the most virulent invectives against them ; and a sermon was preached at Westminster, and afterwards printed, under the title of *The Protestant Protest*, by the infamous Burton, wherein he declared, " That all men were obliged by their late protestation, by what means foever, to remove both Bishops and the Common Prayer Book out of the Church of England, as impious and papistical :" whilst all the learned and orthodox divines of England were looked upon under the notion of scandalous ministers ; and if the meanest and most vicious parishioners they had could be brought to prefer a petition against either of them to the House of Commons, (how false foever), he was sure to be prosecuted as such.

In the end, a petition was published, in the name of the Apprentices, and those whose apprenticeships were lately expired, in and about the city of London ; and directed, " To the King's most excellent Majesty in the Parliament now assembled ; shewing, That they found by experience, both by their own and masters' tradings, the beginning of great mischiefs coming upon them, to nip them in the bud, when they were first entering into the world ; the cause of which they could attribute to no others but the Papists, and the Prelates, and that malignant

A petition published, in the name of the Apprentices, against Papists and Prelates.

" party which adhered to them : that they stood solemnly engaged, with the utmost of their lives and fortunes, to defend his sacred Majesty and royal issue, together with the rights and liberties of Parliaments, against Papists, and Popish innovators ; such as Archbishops, Bishops, and their dependents, appear to be. • They desired his Majesty in Parliament to take notice, that notwithstanding the much unwearyed pains and industry of the House of Commons, to subdue Popery, and Popish innovators ; neither is Popery yet subdued, nor Prelates are yet removed ; whereby many had taken encouragements desperately to plot against the peace and safety of his dominions : witness the most barbarous and inhuman cruelties perpetrated by the Papists in Ireland ; from whence (they said) a new spring of fears and jealousies arose in them : and therefore they desired, that the Popish Lords, and other eminent and dangerous Papists, in all the parts of the kingdom, might be looked unto, and cured ; the laws against Priests and Jesuits fully executed ; and the Prelacy rooted up : that so the work of reformation might be prosperously carried on ; their distracting fears removed ; that the freedom of commerce and trade might pass on more cheerfully, for the encouragement of the petitioners, &c."

This, and such stuff, being printed, and scattered amongst the people ; multitudes of mean persons flocked to Westminster-Hall, and about the Lords' House ; crying, as they went up and down, *No Bishops, no Bishops,* " that so they might carry on the reformation."

I said before, that upon the King's return from Scotland,

Scotland, he discharged the guards that attended upon the Houses. Whereupon the House of Commons (for the Lords refused to join with them) petitioned the King, “in regard of the fears they had ^{The Commons petition the King for guard.}“ of some design from the Papists, that they might “ continue such a guard about them as they thought fit.”

To which his Majesty answered, “That he was confident they had no just cause of fear; and that they were as safe as himself and his children: but, since they did avow such an apprehension of danger, that he would appoint a sufficient guard for them.” And thereupon directed the Train-bands of Westminster and Middlesex (which consisted of the most substantial householders, and were under known officers) in fit numbers to attend.

This security was not liked; and it was asked, *Quis custodiet ipsos custodes* ---? And when the disorderly rabble, spoke of now, first came down, they resisted them, and would not suffer them to disturb the Houses; and some of them, with great rudeness, pressing to the door of the House of Peers, their Lordships appointed the guards to be called up to remove them; and the Earl of Dorset, being then Lord Lieutenant of Middlesex, (the crowd oppressing him, and refusing to leave the room), in some passion, called upon the guard “to give fire upon them;” whereupon the rabble, frightened, left the place, and hastened away.

The House of Commons, incensed that their friends should be so used, much inveighed against the Earl of Dorset; and talked “of accusing him of high treason;” at least, “of drawing up some impeachment against him;” for some judgment he had been party

party to in the Star-Chamber, or Council-Table : and so giving these hints of their displeasure, that he might have the more care how he carried himself ; they concluded, that since they could not have such a guard as pleased them, they would have none at all : and so sent to the Lords “ for the discharge of “ the Train-bands that attended :” who willingly consented to it ; and it was done accordingly : the House of Commons declaring, “ That it should be “ lawful for every member to bring his own servant, “ to attend at the door, armed with such weapons as “ they thought fit.”

Great tumults about the House of Peers. It was quickly understood abroad, that the Commons liked well the visits of their neighbours : so that the people assembled in greater numbers than before; about the House of Peers ; calling still out with one voice, *No Bishops, no Popish Lords* ; crowded and affronted such Lords as came near them, who they knew affected not their ends, calling them, *rotten-hearted Lords*.

Hereupon the House of Peers desired a conference with the Commons ; at which they complained of those tumults ; and told them, “ that such disorders “ would be an imputation upon the Parliament, and “ make it be doubted, whether they had freedom ; “ and so might happily become a blemish to those “ many good laws they had already passed, as well as “ prevent the making more : and therefore desired “ them, that they would, for the dignity of Parliament, join with them in a declaration, for the suppression of such tumults.” This was reported to the Commons ; and as soon laid aside, “ for the handling “ of other matters of more importance.”

The tumults continued ; and their insolences increased ;

creased; insomuch, as many dissolute and profane people went into the Abbey at Westminster, and would have pulled down the organs, and some ornaments of the church; but being resisted, and by force driven out, they threatened, "they would come "with greater numbers, and pull down the church."

Hereupon the Lords send again to the House of Commons, to join with them in their declaration; and many members of that House complained, "that "they could not come with safety to the House; "and that some of them had been assaulted, and very "ill entertained, by those people that crowded about "the door." But this conference could not be procured; the debate being still put off to some other time; after several speeches had been made in justification of them, and commendation of their affections: some saying, "they must not discourage their "friends, this being a time they must make use of all "friends;" Mr. Pym himself saying, "God forbid the "House of Commons should proceed, in any way, to "dishearten people to obtain their just desires in such "a way."

In the end, the Lords required the advice of the Judges, "what course was legally to be taken, to suppress and prevent those disorders;" and thereupon directed the Lord Keeper of the Great Seal, "to issue out a writ, upon the statute of Northampton, to the Sheriff and Justices, to appoint strong watches in such places as they judged most convenient, to hinder that unlawful conflux of people to Westminster, to the disturbance of their consultations." Which writ issuing accordingly, the Justices of the peace, in obedience thereunto, appointed the constables to

The Lords
direct a writ
to be issued
out to appoint
watches.

to attend at the water side, and places near about Westminster, with good watches, to hinder that tumultuous resort.

The House
of Com-
mons dis-
charges
them.

This was no sooner done, than the constables were sent for by the House of Commons, and, after the view of their warrants, required to discharge their watches. And then the Justices were convened, and examined ; and albeit it appeared, that what they had done was in pursuance of a legal writ, directed to them under the Great Seal of England, by the advice of the Lords in Parliament, without so much as conferring with the Lords upon that act of theirs, the setting such a watch was voted to be “ a breach of ‘ privilege :’ ” and one of the Justices of the peace, who, according to his oath, had executed that writ, was committed to the Tower for that offence.

Upon this encouragement, all the factious and schismatical people about the city and suburbs assembled themselves together with great licence ; and would frequently, as well in the night as the day, convene themselves, by the sound of a bell, or other token, in the fields, or some convenient place, to consult, and receive orders from those by whom they were to be disposed. A meeting of this kind being about the time we speak of in Southwark, in a place where their arms and magazine for that borough was kept ; the constable, being a sober man, and known to be an enemy to those acts of sedition, went among them, to observe what they did : he was no sooner espied, but he was reproached with disdainful words, beaten and dragged in so barbarous a manner, that he hardly escaped with his life. Complaint was made to the next Justices ; and oath of the truth of the complaint

plaint made : whereupon a writ was directed to the Sheriff, to impannel a jury, according to law, for the inquisition, and examination of that riot.

This was complained of in the House of Commons, as an act that concerned their privileges ; for that it was pretended, “ that meeting in Southwark had been “ made by godly and well-affected men, only to draw “ up and prepare a petition against Bishops ; and that “ the constable, being a friend to Bishops, came “ amongst them to cross them, and to hinder men “ from subscribing that wholesome petition.” Upon this discourse, without any further examination, an order was made by that House, “ that the Under-“ Sheriff of Surrey should be enjoined, not to suffer “ any proceedings to be made upon any inquisition, “ that might concern any persons who met together “ to subscribe a petition to be preferred to that, “ House.”

By this, and other means, all obstacles of the law being removed, and the people taught a way to assemble lawfully together, in how tumultuous a manner soever, and the Christmas holidays giving more leave and licence to all kind of people, the concourse grew more numerous about Westminster ; the rabble sometimes, in their passage between the City and Westminster, making a stand before Whitehall, and crying out, *No Bishops, no Bishops, no Popish Lords,* would say aloud, “ that they would have no more porter’s “ lodge, but would speak with the King when they “ pleased :” and, when they came near the two Houses, took papers out of their pockets, and getting upon some place higher than the rest, would read the names of several persons, under the title of *disaffected members of the House of Commons* ; and called many

The tu-
mults in-
crease about
Whitehall
and West-
minster;

Lords,

Lords, *false, evil, and rotten-hearted Lords.* But their rage and fury against the Bishops grew so high, that they threatened to pull down their lodgings where they lay ; offered to force the doors of the Abbey at Westminster, which were kept locked many days, and defended by a continual guard within ; and assaulted the persons of some of the Bishops in their coaches ; and laid hands on the Archbishop of York, in that manner, that, if he had not been seasonably rescued, it was believed they would have murdered him :

Whereupon all the Bishops and many of both Houses withdrew from their attendance. members, of both Houses, withdrew themselves from attending in the Houses, out of a real apprehension of endangering their lives.

These insurrections by this means were so countenanced, that no industry or dexterity of the Lord Mayor of London, Sir Richard Gourney, could give any check to them ; but, instead thereof, himself (with great and very notable courage opposing all their fanatic humours, both in the Court of Aldermen, and at the Common Council) grew to be reckoned in the first form of the *Malignants*, (which was the term they imposed upon all those they meant to render odious to the people), insomuch, as his house was no less threatened and disquieted by the tumults, than the House of Lords : and when he apprehended some of those who were most notorious in the riot, and committed them to the custody of both the Sheriffs of London in person, to be carried to Newgate, they were, by the power and strength of their companions, rescued from them in Cheapside, and the two Sheriffs compelled to shift for their own safety. And when it was offered to be proved, by a member in the House of Commons, that the wife of Captain Venn, (having received

received a letter from her husband to that purpose), who was one of the citizens that served for London, and was known himself to lead those men, that came tumultuously down to Westminster, and Whitehall, at the time of the passing the bill of attainder of the Earl of Strafford, had with great industry solicited many people to go down with their arms to Westminster, upon a day, (that was named), when, she said, her husband had sent her word, that in the House of Commons they were together by the ears, and that the worser party was like to get the better of the good party ; and therefore her husband desired his friends to come with their arms to Westminster, to help the good party ; and that thereupon many in a short time went thither : they, who offered to make proof of the same, were appointed to attend many days ; but, notwithstanding all the importunity that could be used, were never admitted to be heard.

All this time the King (who had been with great solemnity invited by the city of London, and desired to make his residence nearer to them than Hampton-Court) was at Whitehall, where, besides his ordinary retinue, and menial servants, many officers of the late disbanded army, who solicited their remainder of pay from the two Houses, which was secured to them by act of Parliament, and expected some farther employment in the war with Ireland, upon observation, and view of the insolence of the tumults, and the danger, that they might possibly bring to the Court, offered themselves for a guard to his Majesty's person ; and were with more formality and ceremony entertained by him, than, upon a just computation of all distempers, was by many conceived seasonable. And from these officers, warm with indignation at the insolences of Some officers repel the rabble about Whitehall.

of that vile rabble, which every day passed by the Court, first words of great contempt, and then, those words commonly finding a return of equal scorn, blows were fastened upon some of the most pragmatical of the crew. This was looked upon by the House of Commons like a levying war by the King, and much pity expressed by them, that the poor people should be so used, who came to them with petitions, (for some few of them had received some cuts and slashes, that had drawn blood), and that made a great argument for reinforcing their numbers. And from those contestations, the two terms of *Round-head* and *Cavalier* grew to be received in discourse, and were afterwards continued for the most succinct distinction of affections throughout the quarrel : they who were looked upon as servants to the King being then called *Cavaliers* ; and the other of the rabble contemned, and despised, under the name of *Round-heads*.

The House of Commons being at this time without any member, who, having relation to the King's service, would express any zeal for it, and could take upon him to say to others, whom he would trust, what the King desired, or to whom they who wished well could resort for advice and direction ; so that whilst there was a strong conjunction and combination to disturb the Government by depraving it, whatever was said or done to support it, was as if it were done by chance, and by the private dictates of the reason of private men ; the King resolved to call the Lord Falkland, and Sir John Colepepper, who was Knight of the shire for Kent, to his Council ; and to make the former Secretary of State in the place of Vane, that had been kept vacant ; and the latter Chancellor of the Exchequer, which office the Lord Cottington

The Lord
Falkland
made Se-
cretary of
State, and
Sir John
Colepepper
Chancellor
of the Ex-
chequer.

had

had resigned, that Mr. Pym might be put into it, when the Earl of Bedford should have been Treasurer, as is mentioned before. They were both of great authority in the House ; neither of them of any relation to the Court ; and therefore what they said made the more impression ; and they were frequent speakers. The Lord Falkland was wonderfully beloved by all who knew him, as a man of excellent parts, of a wit so sharp, and a nature so sincere, that nothing could be more lovely. The other was generally esteemed as a good speaker, being a man of an universal understanding, a quick comprehension, a wonderful memory, who commonly spoke at the end of the debate ; when he would recollect all that had been said of weight on all sides with great exactness, and express his own sense with much clearness, and such an application to the House, that no man more gathered a general concurrence to his opinion than he ; which was the more notable, because his person, and manner of speaking, were ungracious enough ; so that he prevailed only by the strength of his reason, which was enforced with confidence enough.

The King knew them to be of good esteem in the House, and good affections to his service, and the quiet of the kingdom ; and was more easily persuaded to bestow those preferments upon them, than the Lord Falkland was to accept that which was designed to him. No man could be more surprised than he was, when the first intimation was made to him of the King's purpose : he had never proposed any such thing to himself, nor had any veneration for the Court, but only such a loyalty to the King as the law required from him. And he had naturally a wonderful reverence for Parliaments, as believing them most so-

licitous for justice, the violation whereof, in the least degree, he could not forgive any mortal power : and it was only his observation of the disingenuity and want of integrity in this Parliament, which lessened that reverence to it, and had dispos'd him to cross and oppose their designs : he was so totally unacquainted with busines, and the forms of it, that he did believe really he could not execute the office with any sufficiency. But there were two considerations that made most impression upon him ; the one, lest the world should believe, that his own ambition had procured this promotion ; and that he had therefore appeared signally in the House to oppose those proceedings, that he might thereby render himself gracious to the Court : the other, lest the King should expect such a submission, and resignation of himself, and his own reason, and judgment, to his commands, as he should never give, or pretend to give ; for he was so severe an adorer of truth, that he could as easily have given himself leave to steal as to dissemble ; or to suffer any man to think that he would do any thing, which he resolved not to do ; which he thought a more mischievous kind of lying, than a positive averring what could be most easily contradicted.

It was a very difficult task to Mr. Hyde, who had most credit with him, to persuade him to submit to this purpose of the King's cheerfully, and with a just sense of the obligation, by promising, that in those parts of the office, which required most drudgery, he would help him the best he could. But, above all, he prevailed with him, by enforcing the ill consequence of his refusal to take the office, which w^{ld} be interpreted to his dislike of the Court, and his opinion, that

that more would be required from him than he could honestly comply with, which would bring great prejudice to the King: on the other hand, the great benefit that probably would redound to the King, and the kingdom, by his accepting such a trust in such a general defection, by which he would have opportunity to give the King a truer information of his own condition, and the state of the kingdom, than it might be presumed had been given to him, and to prevent any counsels, or practice, which might more alienate the affections of the people from the Government; and then, that by this relation he would be more able to do the King service in the House, where he was too well known to have it believed, that he attained to it by any unworthy means or application. In the end, he was persuaded to submit to the King's good pleasure, though he could not be prevailed with to accept it with so good a grace, as might raise in the King any notable expectation of his departing from the severity of his own nature.

Thus he and Colepepper were both invested in those offices, to the no small displeasure of the governing party, which could not dissemble their indignation, that any of their members should presume to receive those preferments, which they had designed otherwise to have disposed of. They took all opportunities to express their dislike of them, and to oppose any thing they proposed to them. And within few days there came a letter out in print, pretended to be intercepted, as written from a Roman Catholic to another of the same profession, in which he gives an account, "That they had at last, by the interest of "their friends, procured those two honourable per- "sons" (before mentioned) "to be preferred to those

"offices, and that they were well assured that they
"would be ready to do them, and all their friends,
"all good offices." Sir John Colepepper thought fit
to take notice of it in the House, and to make those
professions of his religion, which he thought necessary.
But the Lord Falkland chose rather to contemn it, without taking notice of the libel, well knowing
that he was superior to those calumnies, as indeed
he was; all of that profession knowing that he was
most irreconcileable to their doctrine, though he was
always civil to their persons. However grievous this
preferment was to the angry part of the House, it was
very grateful to all those, both within and without
the House, who wished well to the King and the
kingdom.*

The King at the same time resolved to remove
another officer, who did disserve him notoriously,
and to prefer Mr. Hyde to that place; with which
his gracious intentions his Majesty acquainted him;
but he positively refused it, and assured him, "That
"he should be able to do much more service in
"the condition he was in, than he should be, if that
"were improved by any preferment, that could be
"conferred upon him at that time;" and he added,
"that he had the honour to have much friendship
"with the two persons, who were very seasonably ad-
"vanced by his Majesty, when his Majesty's service
"in the House of Commons did, in truth, want some
"countenance and support; and by his conversation
"with them, he should be so well instructed by them,
"that he should be more useful to his Majesty, than
"if it were under a nearer relation and dependence."
The King, with a very gracious countenance, told
him, "that he perceived he must, for some time, de-
"fer

“ fer .the laying any obligation upon him : but bid
“ him be assured he would find both a proper time,
“ and a suitable preferment for him, which he should
“ not refuse. In the mean time, he said, he knew
“ well the friendship between the two persons, whom
“ he had taken to his council, and him ; which was
“ not the least motive to him to make that choice ;
“ and that he would depend as much upon his advice,
“ as upon either of theirs ; and therefore wished that
“ all three would confer together, how to conduct his
“ service in the House, and to advise his friends how
“ to carry themselves most to the advantage of it,
“ and to give him constant advertisement of what had
“ passed, and counsel when it was fit for him to do
“ any thing ; and declared, that he would do nothing,
“ that in any degree concerned, or related to, his
“ service in the House of Commons, without their
“ joint advice, and exact communication to them of
“ all his own conceptions ;” which, without doubt,
his Majesty did at that time stedfastly resolve,
though in very few days he did very fatally fwerve
from it.

By what hath been said before, it appears, that the Lord Digby was much trusted by the King, and he was of great familiarity and friendship with the other three, at least with two of them ; for he was not a man of that exactnes, as to be in the entire confidence of the Lord Falkland, who looked upon his infirmities with more severity than the other two did ; and he lived with more franknes towards those two, than he did towards the other : yet even between those two there was a free conversation and kindnes to each other. The Lord Digby was a man of very extraordinary parts by nature and art, and had surely

as good and excellent an education as any man of that age in any country : a graceful and beautiful person ; of great eloquence and becomingness in his discourse, (save that sometimes he seemed a little affected), and of so universal a knowledge, that he never wanted subject for a discourse : he was equal to a very good part in the greatest affairs, but the unfitness man alive to conduct them, having an ambition and vanity superior to all his other parts, and a confidence in himself, which sometimes intoxicated, and transported, and exposed him. He had from his youth, by the disengagements his family had undergone from the Duke of Buckingham, and the great men who succeeded him, and some sharp reprehension himself had met with, which obliged him to a country life, contracted a prejudice and ill will to the Court ; and so had in the beginning of the Parliament engaged himself with that party which discovered most aversion from it, with a passion and animosity equal to theirs, and therefore very acceptable to them. But when he was weary of their violent counsels, and withdrew himself from them with some circumstances which enough provoked them, and made a reconciliation, and mutual confidence in each other for the future, manifestly impossible amongst them ; he made private and secret offers of his service to the King, to whom, in so general a defection of his servants, it could not but be very agreeable ; and so his Majesty being satisfied, both in the discoveries he made of what had passed, and in his professions for the future, removed him from the House of Commons, where he had rendered himself marvellously ungracious, and called him by writ to the House of Peers, where he did visibly advance the

King's

King's service, and quickly rendered himself grateful to all those who had not thought too well of him before, when he deserved less; and men were not only pleased with the assistance he gave upon all debates, by his judgment and vivacity, but looked upon him as one, who could derive the King's pleasure to them, and make a lively representation of their good demeanour to the King, which he was very luxuriant in promising to do, and officious enough in doing as much as was just.

He had been instrumental in promoting the three persons above mentioned to the King's favour; and had himself, in truth, so great an esteem of them, that he did very frequently, upon conference together, depart from his own inclinations and opinions, and concurred in theirs; and very few men of so great parts were, upon all occasions, more counfable than he; so that he would seldom be in danger of running into great errors, if he would communicate and expose all his own thoughts and inclinations to such a disquifition; nor was he uninclinable in his nature to such an entire communication in all things which he conceived to be difficult. But his fatal infirmity was, that he too often thought difficult things very easy; and considered not possible consequences, when the proposition administered somewhat that was delightful to his fancy, by pursuing whereof he imagined he should reap some glory to himself, of which he was immoderately ambitious: so that, if the consultation were upon any action to be done, no man more implicitly entered into that debate, or more cheerfully resigned his own conceptions to a joint determination: but when it was once affirmatively resolved, ~~besides that he might possibly reserve some~~ imper-

impertinent circumstance, as he thought, the imparting whereof would change the nature of the thing), if his fancy suggested to him any particular, which himself might perform in that action, upon the imagination that every body would approve it, if it were propos'd to them, he chose rather to do it, than communicate it, that he might have some signal part to himself in the transaction, in which no other person might claim a share.

By this unhappy temper he did often involve himself in very unprosperous attempts. The King himself was the unsittest person alive to be served by such a counsellor, being too easily inclined to sudden enterprizes, and as easily startled when they were entered upon. And from this unhappy composition in the one, and the other, a very unhappy counsel was propos'd, and resolution taken, without the least communication with either of the three, who had been so lately admitted to an entire trust.

The Bishops, who had been, in the manner before spoken of, driven and kept from the House of Peers, and not very secure in their own, could not have the patience to attend the dissolution of this storm, which in wisdom they ought to have done: but considering right and reason too abstractly, and what in justice was due, not what in prudence was to be expected, suffered themselves implicitly to be guided by the Archbishop of York, who was of a restless and overweening spirit, to such an act of indiscretion, and disadvantage to themselves, that all their enemies could not have brought upon them. This Bishop, as is said, was a man of a very imperious and fiery temper, Dr. Williams, who had been Bishop of Lincoln, and Keeper of the Great Seal of England in the time of King

King James. After his removal from that charge, he had lived splendidly in his diocese, and made himself very popular amongst those who had no reverence for the Court; of which he would frequently, and in the presence of many, speak with too much freedom, and tell many stories of things and persons upon his own former experience; in which, being a man of great pride and vanity, he did not always confine himself to a precise veracity; and did often presume, in those unwary discourses, to mention the person of the King with too little reverence. He did affect to be thought an enemy to the Archbishop of Canterbury; whose person he seemed exceedingly to contemn, and to be much displeased with those ceremonies and innovations, as they were then called, which were countenanced by the other; and had himself published, by his own authority, a book against the using those ceremonies, in which there was much good learning, and too little gravity for a Bishop. His passion, and his levity, gave every day great advantages to those who did not love him; and he provoked too many, not to have those advantages made use of: so that, after several informations against him in the Star-Chamber, he was sentenced, and fined in a great sum of money to the King, and committed prisoner to the Tower, without the pity or compassion of any, but those, who, out of hatred to the Government, were sorry that they were without so useful a champion; for he appeared to be a man of a very corrupt nature, whose passions could have transported him into the most unjustifiable actions.

He had a faculty of making relations of things done in his own presence, and discourses made to himself, or ~~in~~ his own hearing, with all the circumstances of

of answers and replies, and upon arguments of great moment ; all which, upon examination, were still found to have nothing in them that was real, but to be the pure effect of his own invention. After he was sentenced in the Star-Chamber, some of his friends reported to him, to lament and condole with him for his misfortune ; and some of them seemed to wonder that, in an affair of such a nature, he had not found means to have made some submission and composition, that might have prevented the public hearing, which proved so much to his prejudice in point of reputation, as well as profit. He answered them with all the formality imaginable, “ that they had reason indeed to wonder at him upon the event ; but when they should know how he had governed himself, “ he believed they would cease to think him worthy “ of blame.” And then related to them, “ that as soon as publication had passed in his cause, and the books were taken out, he had desired his council (who were all able men, and some of them very eminent) in the vacation time, and they at most leisure, to meet together, and carefully to look over, and peruse all the evidence that was taken on both sides ; and that then they would attend him such a morning, which he appointed, upon their consent, at his own house at Westminster : that they came at the time appointed ; and being then shut up in a room together, he asked them, whether they had sufficiently perused all the books, and were thoroughly informed of his case ? To which they all answered, that they had not only read them all over together, but had severally, every man by himself, perused them again, and they believed they were all well informed of the whole. That he then told

“ told them, he had desired this conference with
“ them, not only as his council, by whose opinion he
“ meant to govern himself, but as his particular
“ friends, who, he was sure, would give him their
“ best advice, and persuade him to do every thing
“ as they would do themselves, if they were in his
“ condition. That he was now offered to make his
“ peace at Court, by such an humble submission to
“ the King, as he was most inclined and ready to
“ make; and which he would make the next day
“ after his cause was heard, though he should be de-
“ clared to be innocent, of which he could make no
“ doubt: but that which troubled him for the pre-
“ sent was, that the infamousness of the charge
“ against him, which had been often exposed, and en-
“ larged upon in several motions, had been so much
“ taken notice of through the kingdom, that it could
“ not consist with his honour to divert the hearing,
“ which would be imputed to his want of confidence
“ in his innocence, since men did not suspect his
“ courage, if he durst rely upon the other; but that
“ he was resolved, as he said before, the next day
“ after he should be vindicated from those odious
“ aspersions, he would cast himself at the King’s feet,
“ with all the humility and submission, which the
“ most guilty man could make profession of. It was
“ in this point he desired their advice, to which he
“ would, without adhering to his own inclination,
“ entirely conform himself; and therefore desired
“ them, singly in order, to give him their advice.
“ He repeated the several and distinct discourse every
“ man had made, in which he was so punctual, that he
“ applied those phrases, and expressions, and manner of
“ speech to the several men, which they were all taken
“ notice

" notice of frequently to use ; as many men have some
" peculiar words in discourse, which they are most de-
" lighted with, or by custom most addicted to : and in
" conclusion, that they were unanimous in their judg-
" ments, that he could not, with the preservation of
" his honour, and the opinion of his integrity, decline
" the public hearing ; where he must be unquestion-
" ably declared innocent ; there being no crime or
" misdemeanour proved against him in such a man-
" ner, as could make him liable to censure : they all
" commended his resolution of submitting to the King,
" as soon as he had made his innocence to appear ;
" and they all advised him to pursue that method.
" This, he said, had swayed him ; and made him de-
" cline the other expedient, that had been proposed
" to him."

This relation wrought upon those to whom it was made, to raise a prejudice in them against the justice of the cause, or the reputation of the council, as they were most inclined ; whereas there was not indeed the least shadow of truth in the whole relation ; except that there was such a meeting and conference, as was mentioned, and which had been consented to by the Bishop, upon the joint desire and importunity of all the council ; who, at that conference, unanimously advised and desired him, " to use all the means and
" friends he could, that the cause might not be
" brought to hearing ; but that he should purchase
" his peace at any price ; for that, if it were heard,
" he would be sentenced very grievously, and that
" there were many things proved against him, which
" would so much reflect upon his honour and repu-
" tation, and the more for being a Bishop, that all his
" friends would abandon him, and be for ever after
" ashamed

"ashamed to appear on his behalf." Which advice, with great passion and reproaches upon the several persons for their presumption and ignorance in matters so much above them, he utterly and scornfully rejected. Nor indeed was it possible, at that time, for him to have made his peace; for though upon some former addresses and importunity on his behalf, by some persons of power, and place in the Court, in which the Queen herself had endeavoured to have done him good offices, the King was inclined to have saved him, being a Bishop, from the infamy he must undergo by a public trial; yet the Bishop's vanity had, in those conjectures, so far transported him, that he had done all he could to have insinuated, "that the Court was ashamed of what they had done; " and had prevailed with some of his powerful friends "to persuade him to that composition :" upon which the King would never hear more any person, who moved on his behalf.

It had been once mentioned to him, whether by authority, or no, was not known, "that his peace should be made, if he would resign his Bishoprick and Deanery of Westminster," (for he had that in commendam), "and take a good Bishoprick in Ireland;" which he positively refused; and said, "he had much to do to defend himself against the Archbishop here: but if he was in Ireland, there was a man, (meaning the Earl of Strafford), who would cut off his head within one month."

This Bishop had been for some years in the Tower, by the sentence of the Star-Chamber, before this Parliament met; when the Lords, who were the most active and powerful, presently resolved to have him at liberty. Some had much kindness for him, not only

only as a known enemy to the Archbishop of Canterbury, but as a supporter of those opinions, and those persons, which were against the Church itself. And he was no sooner at liberty, and brought into the House, but, as has been before mentioned, he defended and seconded the Lord Say, when he made an invective, with all the malice and bitterness imaginable, against the Archbishop, then in prison ; and when he had concluded, that Bishop said, “ that he “ had long known that noble Lord, and had always “ believed him to be as well affected to the Church “ as himself ;” and so he continued to make all his address to that Lord, and those of the same party. Being now in full liberty, and in some credit and reputation, he applied himself to the King ; and made all possible professions of duty to his Majesty, and zeal to the Church ; protesting “ to have a perfect “ detestation of those persons, who appeared to have “ no affection or duty towards his Majesty, and of all “ evil intentions against the religion established ; and “ that the civility he had expressed towards them was “ only out of gratitude for the good will they had “ shewed to him ; and especially that he might the “ better promote his Majesty’s service.” And it being his turn shortly after, as Dean of Westminster, to preach before the King, he took occasion to speak of the factions in religion ; and mentioning the Presbyterian discipline, he said, “ it was a government “ only fit for taylors and shoemakers, and the like ; not “ for noblemen and gentlemen :” which gave great scandal and offence to his great patrons ; to whom he easily reconciled himself, by making them as merry with some sharp sayings of the Court, and by performing more substantial offices for them.

When,

When, upon the trial of the Earl of Strafford, it was resolved to decline the judgment of the House of Peers, and to proceed by bill of attainder ; and thereupon it was very unreasonably moved, “ that the Bishops might have no vote in the passing that act of Parliament ; because they pretended it was to have their hand in blood, which was against an old Canon ; ” this Bishop, without communicating with any of his brethren, very frankly declared his opinion, “ that they ought not to be present ; ” and offered, not only in his own name, but for the rest of the Bishops, “ to withdraw always when that business was entered upon : ” and so betrayed a fundamental right of the whole order ; to the great prejudice of the King, and to the taking away the life of that person, who could not otherwise have suffered.

And shortly after, when the King declared, that he neither would, nor could in conscience, give his royal assent to that act of attainder ; when the tumults came about the Court with noise and clamour for justice ; the Lord Say desired the King to confer with his Bishops for the satisfaction of his conscience ; and desired him to speak with that Bishop in the point. After much discourse together, and the King insisting upon many particulars, which might induce others to consent, but were known to himself to be false ; and therefore he could never in conscience give his own consent to them ; the Bishop, as hath been mentioned before, amongst other arguments, told him, “ that he must consider, that as he had a private capacity, “ and a public, so he had a public conscience, as well as a private ; that though his private conscience, as a man, would not permit him to do an act contrary to his own understanding, judgment, and conscience ;

"ence ; yet his public conscience, as a King; which
"obliged him to do all things for the good of his
"people, and to preserve his kingdom in peace for
"himself and his posterity, would not only permit
"him to do that, but even oblige, and require him.
"That he saw in what commotion the people were ;
"that his own life, and that of the Queen's, and the
"royal issue, might probably be sacrificed to that
"fury ; and it would be very strange, if his consci-
"ence should prefer the life of one single private per-
"son, how innocent soever, before all those other
"lives, and the preservation of the kingdom."

This was the argumentation of that unhappy ca-
sift, who truly, it may be, did believe himself ; for
towards the end of the war, and when the King's
power declined, he, being then an Archbishop, did in
person assist the rebels to take a castle of the King's ;
in which there was a garrison, and which was taken
by a long siege ; because he might thereby the better
enjoy the profits of his own estate, which lay there-
abouts.

Upon all these great services he had performed for
the party, he grew every day more imperious ; and after
the King thought it necessary to make him
Archbishop of York, which, as the time then was,
could not qualify him to do more harm, and might
possibly dispose and oblige him to do some good ;
he carried himself so insolently, in the House and
out of the House, to all persons, that he became
much more odious universally, than ever the other
Archbishop had been ; having sure more enemies
than he, and few or no friends, of which the other
had abundance. And the great hatred of this man's
person and behaviour, was the greatest invitation to
the

the House of Commons so irregularly to revive that bill to remove the Bishops; and was their chief encouragement to hope, that the Lords, who had rejected the former, would now pass, and consent to this second bill.

This was one of the Bishops, who was most rudely treated by the rabble; who gathered themselves together about the House of Peers, crying out, *No Bishops, no Bishops*: and his person was assaulted, and robes torn from his back; upon which, in very just displeasure, he returned to his house, the Deanery at Westminster; and sent for all the Bishops who were then in the town, (it being within very few days of Christmas), of which there were twelve or thirteen; and, in much passion, and with his natural indignation, he proposed, as absolutely necessary, "that they "might unanimously and presently prepare a protestation, to send to the House, against the force that "was used upon them; and against all the acts, "which were, or should be done during the time "that they should by force be kept from doing their "duties in the House." And immediately, having pen and ink ready, himself prepared a protestation; which, being read to them, they all approved; depending upon his great experience in the rules of the House, where he had sat so many years, and in some Parliaments in the place of Speaker, whilst he was Keeper of the Great Seal; and so presuming that he could commit no error in matter or form: and without further communication and advice, which both the importance of the subject, and the distemper of the time, did require; and that it might have been considered as well what was fit, as what was right; without further delay, than what was necessary for the

fair writing, and ingrossing the instrument they had prepared ; they all set their hands to it. Then the Archbishop went to Whitehall to the King, and presented the protestation to him ; it being directed to his Majesty, with an humble desire, that he would send it to the House of Peers, since they could not present it themselves ; and that he would command that it should be entered in the journal of the House. His Majesty casting his eye perfunctorily upon it, and believing it had been drawn by mature advice, no sooner received it, than he delivered it to the Lord Keeper, who unfortunately happened to be likewise present, with his command that he should deliver it to the House as soon as it met ; which was to be within two hours after. The petition contained these words :

The petition and protestation of the Bish-
ops to the King and House of Lords.

*To the King's most Excellent Majesty ; and the Lords
and Peers now assembled in Parliament.*

“ The humble Petition and Protestation of all the
“ Bishops and Prelates, now called by his Ma-
“ jesty's writs to attend the Parliament, and pre-
“ sent about London and Westminster, for that
“ service.

“ That, whereas the petitioners are called up by
“ several and respective writs, and under great penal-
“ ties to attend in Parliament ; and have a clear and
“ indubitable right to vote in bills, and other matters
“ whatsoever debateable in Parliament, by the an-
“ cient customs, laws, and statutes of this realm ; and
“ ought to be protected by your Majesty, quietly to
“ attend, and prosecute that great service :

“ They humbly remonstrate, and protest before
God,

“ God, your Majesty, and the noble Lords and
“ Peers now assembled in Parliament ; that as they
“ have an indubitable right to sit and vote in the
“ House of Lords, so are they (if they may be pro-
“ tected from force and violence) most ready and
“ willing to perform their duties accordingly ; and
“ that they do abominate all actions or opinions tend-
“ ing to popery, and the maintenance thereof ; as also
“ all propensity and inclination to any malignant
“ party, or any other fide, or party whatsoever, to
“ the which their own reasons and consciences shall
“ not move them to adhere.

“ But, whereas they have been at several times
“ violently menaced, affronted, and assaulted by mul-
“ titudes of people, in their coming to perform their
“ services in that honourable House ; and lately
“ chased away, and put in danger of their lives, and
“ can find no redress, or protection, upon sundry
“ complaints made to both Houses in these particu-
“ lars :

“ They likewise humbly protest before your Ma-
“ jesty, and the noble House of Peers, that, saving to
“ themselves all their rights and interests of fitting
“ and voting in that House at other times, they dare
“ not fit, or vote in the House of Peers, until your Ma-
“ jesty shall further secure them from all affronts, in-
“ dignities, and dangers in the premises.

“ Lastly, whereas their fears are not built upon
“ fantasies and conceits, but upon such grounds and
“ objects as may well terrify men of good resolutions,
“ and much constancy ; they do in all duty and hu-
“ mility protest, before your Majesty, and the Peers
“ of that most honourable House of Parliament,
“ against all laws, orders, votes, resolutions, and de-

“ terminations, as in themselves null, and of none effect, which in their absence, since the seven and twentieth of this instant month of December, 1641, have already passed; as likewise against all such, as shall hereafter pass in that most honourable House, during the time of this their forced and violent absence from the said most honourable House; not denying, but if their absenting themselves were wilful and voluntary, that most honourable House might proceed in all these premises, their absence, or this their protestation, notwithstanding.

“ And humbly beseeching your most excellent Majesty to command the Clerk of the House of Peers to enter this their petition and protestation amongst the records;

“ They will ever pray, &c.”

(Signed)

<i>Jo. Eborac.</i>	<i>Jo. Asaphen.</i>	<i>Ma. Ely.</i>
<i>Tho. Duresme.</i>	<i>Guil. Ba. and Wells.</i>	<i>Godfr. Glouc.</i>
<i>Rob. Cov. and L. Geo. Heref.</i>		<i>Jo. Peterburgh.</i>
<i>Jo. Norwich.</i>	<i>Rob. Oxon.</i>	<i>Mor. Landaff.</i>

It was great pity, that, though the Archbishop's passion transported him, as it usually did; and his authority imposed upon the rest, who had no affection to his person, or reverence for his wisdom; his Majesty did not take a little time to consider of it, before he put it out of his power to alter it, by putting it out of his hands. For it might easily have been discerned by those who were well acquainted with the humour, as well as the temper, of both Houses, that some advantage and ill use would have been made of some expressions contained in it; and that it could

produce

produce no good effect. But the same motive and apprehension, that had precipitated the Bishops to so hasty a resolution, (which was, that the House of Peers would have made that use of the Bishops being kept from the House, that they would in that time have passed the bill itself, for taking away their votes), had its effects likewise with the King; who had the same imagination, and therefore would lose no time in the transmission of it to the House. Whereas it is more probable, the Lords would never have made use of that very season, whilst the tumults still continued, for the passing an act of that importance; and the scandal, if not invalidity of it, would have been an unanswerable ground for the King to have refused his royal assent to it.

As soon as this protestation, which, no doubt, in the time before the House was to meet, had been communicated to those who were prepared to speak upon it, was delivered by the Lord Keeper, with his Majesty's command, and read; the governing Lords manifested a great satisfaction in it; some of them saying, "that there was *digitus Dei* to bring that to "pass, which they could not otherwise have com- "passed;" and without ever declaring any judgment or opinion of their own upon it, which they ought to have done, the matter only having relation to themselves, and concerning their own members; they sent to desire a conference presently with the House of Commons, upon a business of importance: and, at the conference, only read and delivered the protesta-
The protestation is delivered by the Lords to the House of Commons in a conference.

The Commons accuse the Bishops that subscriber'd it of high treason, and they are committed to the Tower.

to consider of the matter ; but, within half an hour, they sent up to the Lords ; and, without further examination, accused them all, who had subscribed the protestation, of high treason ; and, by this means, they were all, the whole twelve of them, committed to prison ; and remained in the Tower till the bill for the putting them out of the House was passed, which was not till many months after.

When the passion, rage, and fury of this time shall be forgotten, and posterity shall find, amongst the records of the supreme court of judicature, so many orders and resolutions in vindication of the liberty of the subject, against the imprisoning of any man, though by the King himself, without assigning such a crime as the law hath determined to be worthy of imprisonment ; and in the same year, by this high court, shall find twelve Bishops, members of this court, committed to prison for high treason, for the presenting this protestation ; men will surely wonder at the spirit of that reformation : and even that clause of declaring all acts null, which had been, or should be, done in their absence, in defence of which no man then durst open his mouth, will be thought good law, and good logic ; not that the presence of the Bishops in that time was so essential, that no act should pass without them ; which had given them a voice, upon the matter, as negative as the King's ; and themselves, in their instrument, disclaimed the least pretence to such a qualification ; but because a violence offered to the freedom of any one member, is a violation to all the rest : as if a council consist of threescore, and the door to that council be kept by armed men, and all such, whose opinions are not liked, kept out by force ; no doubt the freedom of those within is infringed,

infringed, and all their acts as void and null, as if they were locked in, and kept without meat till they altered their judgments.

And therefore you shall find in the journals of the most sober Parliaments, that, upon any eminent breach of their privileges, as always upon the commitment of any member for any thing said or done in the House, sometimes upon less occasions, than House, which apprehended the trespass, would sit mute, without debating, or handling any business, and then adjourn ; and this hath been practised many days together, till they had redrefs or reparation. And their reason was, because their body was lame ; and what was befallen one member, threatened the rest ; and the consequence of one act might extend itself to many other, which were not in view ; and this made their privileges of so tender and nice a temper, that they were not to be touched, or in the least degree trenched upon ; and therefore that in so apparent an act of violence, where it is not more clear that they were committed to prison, than that they durst not then sit in the House, and when it was lawful in the House of Peers for every dissenter in the most trivial debate, to enter his protestation against that sense he liked not, though he were single in his opinion ; that it should not be lawful for those, who could not enter it themselves, to present this protestation to the King, to whom they were accountable under a penalty for their absence ; and unlawful to that degree, that it should render them culpable of high treason ; and so forfeit their honour, their lives, their fortunes, expose their names to perpetual infamy, and their wives and children to penury, and want of bread ; will be looked upon as a determina-

tion of that injustice, impiety, and horror, as could not be believed without those deep marks and prints of confusion, that followed and attended that resolution.

And yet the indiscretion of those Bishops, swayed by the pride and passion of that Archbishop, in applying that remedy at a time, when they saw all forms and rules of judgment impetuously declined ; and the power of their adversaries so great, that the laws themselves submitted to their oppression ; that they should, in such a storm, when the best pilot was at his prayers, and the card and compass lost, without the advice of one mariner, put themselves in such a cock-boat, and to be severed from the good ship, gave that scandal and offence to all those who passionately desired to preserve their function, that they had no compassion, or regard of their persons, or what became of them ; insomuch as in the whole debate in the House of Commons, there was only one gentleman, who spoke in their behalf, and said, “ he did not believe they were guilty of high treason, but that they were stark mad ; and therefore desired they might be sent to Bedlam.”

This high and extravagant way of proceeding brought no prejudice to the King ; and though it made their tribunal more terrible to men who laboured under any guilt, yet it exceedingly lessened the reverence and veneration that formerly had been entertained for Parliaments : and this last accusation and commitment of so many Bishops at once, was looked upon by all sober men with indignation. For whatever indiscretion might be in the thing itself, though some expressions in the matter might be unskillful and unwarrantable, and the form of presenting
and

and transmitting it irregular and unjustifiable, (for all which the House of Peers might punish their own members, according to their discretion), yet every man knew there could be no treason in it; and therefore the end of their commitment, and the use all men saw would be made of it, made it the more odious; and the members who were absent from both Houses, which were three parts of four, and many of those who had been present, abhorred the proceedings, and attended the Houses more diligently; so that the angry party, who were no more treated with, to abate their fury, would have been compelled to have given over all their designs for the alteration of the government both in Church and State; if the volatile and unquiet spirit of the Lord Digby had not prevailed with the King, contrary to his resolution, to have given them some new advantage; and to depart from his purpose of doing nothing, without very mature deliberation.

Though Sir William Balfour, who is already mentioned, had, from the beginning of this Parliament, forgot all his obligations to the King; and had made himself very gracious to those people, whose glory it was to be thought enemies to the Court; and, whilst the Earl of Strafford was his prisoner, did many offices not becoming the trust he had from the King, and contributed much to the jealousy, which that party had of his Majesty; upon which there had been a long resolution to remove him from that charge; but to do it with his own consent, that there might be no manifestation of displeasure; yet it was a very unseasonable conjuncture, which was taken to execute it in; and this whole transaction was so secretly carried, that there was neither notice nor suspicion of it, till it

it was heard, that Sir Thomas Lunsford was sworn Lieutenant of the Tower ; a man, who, though of an ancient family in Sussex, was of a very small and decayed fortune, and of no good education ; having been few years before compelled to fly the kingdom, to avoid the hand of justice for some riotous misdemeanour ; by reason whereof he spent some time in the service of the King of France, where he got the reputation of a man of courage, and a good officer of foot ; and in the beginning of the troubles here had some command in the King's army ; but so much inferior to many others, and was so little known, except upon the disadvantage of an ill character, that, in the most dutiful time, the promotion would have appeared very ungrateful. He was utterly a stranger to the King, and therefore it was quickly understood to proceed from the single election of the Lord Digby, to whom he was likewise very little known ; who had in truth designed that office to his brother Sir Lewis Dives, against whom there could have been no exception, but his relation : but he being not at that time in town, and the other having some secret reason to fill that place in the instant with a man who might be trusted ; he suddenly resolved upon this gentleman, as one who would be faithful to him for the obligation, and execute any thing he should desire, or direct ; which was a reason, he might easily have foreseen, would provoke more powerful opposition ; which error, as is said before, was repaired by the sudden change, and putting in Sir John Byron ; though it gave little satisfaction, and the less, by reason of another more inconvenient action, which changed the whole face of affairs, and caused this to be more reflected upon.

In the afternoon of a day when the two Houses The Attorney General Herbert accuses in the House of Lords the Lord Kimbolton, and five members of the House of Commons, of High Treason. sat, Herbert, the King's Attorney, informed the House of Peers, that he had somewhat to say to them from the King; and thereupon, having a paper in his hand, he said, that the King commanded him to accuse the Lord Kimbolton, a member of that House, and five gentlemen, who were all members of the House of Commons, of high treason; and that his Majesty had himself delivered him in writing several articles, upon which he accused them; and he read in a paper these ensuing articles, by which the Lord Kimbolton, Denzil Hollis, Sir Arthur Haslerig, Mr. Pym, Mr. Hambden, and Mr. Strode, stood accused of high treason, for conspiring against the King, and the Parliament.

Articles of High Treason, and other Misdemeanours, against the Lord Kimbolton, Mr. Pym, John Hambden, Denzil Hollis, Sir Arthur Haslerig, and William Strode, Members of the House of Commons.

1. "That they have traitorously endeavoured to "subvert the fundamental laws and government of "this kingdom; and deprive the King of his regal "power; and to place on his subjects an arbitrary "and tyrannical power.
2. "That they have endeavoured, by many foul "aspersions upon his Majesty, and his government, "to alienate the affections of his people, and to make "his Majesty odious to them.
3. "That they have endeavoured to draw his Ma- "jesty's late army to disobedience to his Majesty's "command, and to fide with them in their traitorous "design.
4. "That they have traitorously invaded, and en- "couraged

“courageed a foreign power to invade his Majesty’s
“kingdom of England.

5. “That they have traitorously endeavoured to
“subvert the very rights and beings of Parliament.

6. “That, for the completing of their traitorous
“designs, they have endeavoured, as far as in them
“lay, by force and terror to compel the Parliament to
“join with them in their traitorous designs, and, to
“that end, have actually raised and countenanced tu-
“mults against the King and Parliament.

7. “That they have traitorously conspired to levy,
“and actually have levied, war against the King.”

The House of Peers was somewhat appalled at this alarm ; but took time to consider of it, till the next day, that they might see how their masters the Commons would behave themselves ; the Lord Kimbolton being present in the House, and making great professions of his innocence ; and no Lord being so hardy to press for his commitment on the behalf of the King.

A Serjeant at Arms demands the five members in the House of Commons.

At the same time, a Serjeant at arms demanded to be heard at the House of Commons from the King ; and being sent for to the bar, demanded the persons of five of their members to be delivered to him in his Majesty’s name, his Majesty having accused them of high treason. But the Commons were not much surprised with the accident ; for besides that they quickly knew what had passed with the Lords, some servants of the King, by especial warrant, had visited the lodgings of some of the accused members, and sealed up their studies and trunks ; upon information whereof, before that Serjeant came to the House, or public notice was taken of the accusation, an order

was

was made by the Commons ; “ That if any person
“ whatsoever should come to the lodgings of any
“ member of that House, and there offer to seal the
“ doors, trunks, or papers of such members, or to
“ seize upon their persons ; that then such member
“ should require the aid of the next constable, to
“ keep such persons in safe custody, till the House
“ should give further order : that if any person what-
“ soever should offer to arrest or detain any member
“ of that House, without first acquainting that House
“ therewith, and receiving further order from thence ;
“ it should be lawful for such member to stand upon
“ his guard, and make resistance, and for any person
“ to assist him, according to the protestation taken to
“ defend the privileges of Parliament.” And so, when
the Serjeant had delivered his message, he was no
more called in ; but a message sent to the King,
“ that the members should be forth coming as soon
“ as a legal charge should be preferred against them ;”
and so the House adjourned till the next day, every
one of the accused persons taking a copy of that or-
der, which was made for their security.

The next day in the afternoon, the King, attended
only by his own usual guard, and some few gentle-
men, who put themselves into their company in the
way, came to the House of Commons ; and com-
manding all his attendants to wait at the door, and
give offence to no man ; himself, with his nephew,
the Prince Elector, went into the House, to the great
amazement of all : and the Speaker leaving the chair,
the King went into it ; and told the House, “ he was
“ sorry for that occasion of coming to them ; that
“ yesterday he had sent his Serjeant at Arms to ap-
“ prehend

The King goes to the House of Commons to demand them.

“prehend some, that, by his command, were accused
“of high treason; whereunto he expected obedience,
“but instead thereof he had received a message. He
“declared to them, that no King of England had
“been ever, or should be, more careful to maintain
“their privileges, than he would be; but that in
“cases of treason no man had privilege; and there-
“fore he came to see if any of those persons, whom
“he had accused, were there; for he was resolved to
“have them, wheresoever he should find them: and
“looking then about, and asking the Speaker whether
“they were in the House, and he making no answer,
“he said, he perceived the *birds were all flown*, but
“expected they should be sent to him, as soon as
“they returned thither; and assured them in the
“word of a King, that he never intended any force,
“but would proceed against them in a fair and legal
“way;” and so returned to Whitehall.

The accused persons, upon information and intelligence what his Majesty intended to do, how secretly soever it was carried at Court, having withdrawn from the House about half an hour before the King came thither; the House, in great disorder, as soon as the King was gone, adjourned till the next day in the afternoon; the Lords being in so great apprehension upon notice of the King’s being at the House of Commons, that the Earl of Essex expressed a tender sense he had of the inconveniences which were like to ensue those divisions; and moved, “that the House
“of Peers, as a work very proper for them, would in-
“terpose between the King and his people; and me-
“diate to his Majesty on the behalf of the persons
“accused;” for which he was reprendered by his
friends,

friends, and afterwards laughed at himself, when he found how much a stronger defence they had, than the best mediation could prove on their behalf.

How secretly soever this affair was carried, it was evident that the King's resolution of coming to the House had been discovered, by the members withdrawing themselves, and by a composedness, which appeared in the countenances of many, who used to be disturbed at less surprising occurrences; and though the purpose of accusing the members was only consulted between the King and the Lord Digby; yet it was generally believed, that the King's purpose of going to the House was communicated to William Murray of the bed-chamber, with whom the Lord Digby had great friendship; and that it was discovered by him. And that Lord, who had promised the King to move the House for the commitment of the Lord Kimbolton, as soon as the Attorney General should have accused him, (which if he had done would probably have raised a very hot dispute in the House, where many would have joined with him), never spoke the least word; but, on the contrary, seemed the most surprised and perplexed with the Attorney's impeachment; and fitting at that time next the Lord Kimbolton, with whom he pretended to live with much friendship, he whispered him in the ear with some commotion, (as he had a rare talent in dissimulation), "that the King was very mischievously advised; and that it should go very hard, but he would know whence that counsel proceeded; in order to which, and to prevent further mischief, he would go immediately to his Majesty;" and so went out of the House.

Whereas he was the only person who gave the coun-

counsel, named the persons, and particularly the Lord Kimbolton, (against whom less could be said, than against many others, and who was more generally beloved), and undertook to prove that the said Lord Kimbolton told the rabble, when they were about the Parliament-house, that they should go to Whitehall. When he found the ill success of the impeachment in both Houses, and how unsatisfied all were with the proceeding, he advised the King the next morning to go to the Guildhall, and to inform the Mayor and Aldermen of the grounds of his proceedings; which will be mentioned anon. And that people might not believe, that there was any dejection of mind, or sorrow, for what was done; the same night, the same council caused a proclamation to be prepared for the stopping the ports; that the accused persons might not escape out of the kingdom; and to forbid all persons to receive and harbour them: when it was well known, that they were all together in a house in the city, without any fear of their security. And all this was done without the least communication with any body, but the Lord Digby, who advised it; and, it is very true, was so willing to take the utmost hazard upon himself, that he did offer the King, when he knew in what house they were together, with a select company of gentlemen, who would accompany him, whereof Sir Thomas Lunsford was one, to seize upon them, and bring them away alive, or leave them dead in the place: but the King liked not such enterprises.

The persons accused remove into the city. That night the persons accused removed themselves into their strong hold, the city: not that they durst not venture themselves at their old lodgings, for no man would have presumed to trouble them, but that

that the city might see, that they relied upon that place for a sanctuary of their privileges against violence and oppression ; and so might put on an early concernment for them. And they were not disappointed ; for, in spite of all the Lord Mayor could do to compose their distempers, (who, like a very wise and stout magistrate, bestirred himself), the city was that whole night in arms ; some people, designed to that purpose, running from one gate to another, and crying out, “ that the *Cavaliers* were coming to fire “ the city ;” and some saying, “ that the King him-“ self was in the head of them.”

The next morning, the King, being informed of much that had pasted that night, according to the advice he had received, sent to the Lord Mayor to call a Common Council immediately ; and about ten ^{zens.} of the clock, himself, attended only by three or four Lords, went to the Guildhall ; and in the room, where the people were assembled, told them, “ he was “ very sorry to hear of the apprehensions they had en-“ tertained of danger ; that he was come to them, to “ shew how much he relied upon their affections for “ his security and guard, having brought no other “ with him ; that he had accused certain men of high “ treason, against whom he would proceed in a legal “ way ; and therefore he presumed they would not “ shelter them in the city.” And using many other very gracious expressions of his value for them, and telling one of the Sheriffs, (who was of the two thought less inclined to his service), “ that he would “ dine with him,” he departed without that applause and cheerfulness, which he might have expected from the extraordinary grace he vouchsafed to them. And in his passage through the city, the rude people

flocked together, and cried out, “ Privilege of Par-
“ liament, Privilege of Parliament ;” some of them
pressing very near his own coach, and amongst the
rest one calling out with a very loud voice, “ To your
“ tents, O Israel.” However the King, though much
mortified, continued his resolution, taking little no-
tice of the distempers : and, having dined at the She-
riff’s, returned in the afternoon to Whitehall ; and
published, the next day, a proclamation for the ap-
prehension of all those, whom he had accused of
high treason, forbidding any person to harbour them ;
the articles of their charge being likewise printed,
and dispersed.

When the House of Commons next met, none of
the accused members appearing, they had friends
enough, who were well instructed to aggravate the
late proceedings, and to put the House into a thou-
sand jealousies and apprehensions, and every slight
circumstance carried weight enough in it to disturb
their minds. They took very little notice of the ac-
cusing the members ; but the King’s coming to the
House, which had been never known before, and de-
claring, “ that he would take them wherever he
“ found them, was an evidence, that he meant him-
“ self to have brought a force into the House, to ap-
“ prehend them, if they had been there ;” and was
looked upon as the highest breach of privilege that
could possibly be imagined. They who spoke most
passionately, and probably meant as maliciously, be-
haved themselves with modesty, and seemed only
concerned in what concerned them all ; and con-
cluded, after many lamentations, “ that they did not
“ think themselves safe in that House, till the minds
“ of men were better composed ; that the city was

“full

“ full of apprehensions, and was very zealous for their security ; and therefore wished that they might adjourn the Parliament to meet in some place in the city.” But that was found not practicable ; since it was not in their own power to do it, without the consent of the Peers, and the concurrence of the King ; who were both like rather to choose a place more distant from the city. So, with more reason, in The House of Commons ad-journing themselves for some days, name a committee to sit in the city. the end they concluded, “ that the House should adjourn itself for two or three days, and name a committee, who should sit both morning and afternoon in the city ;” and all who came to have voices : and Merchant-Taylor’s Hall was appointed for the place of their meeting ; they who served for London undertaking, “ that it should be ready against the next morning :” no man opposing or contradicting any thing that was said ; they, who formerly used to appear for all the rights and authority which belonged to the King, not knowing what to say, between grief and anger that the violent party had, by these late unskilful actions of the Court, gotten great advantage, and recovered new spirits : and the three persons before named, without whose privity the King had promised that he would enter upon no council, were so much displeased and dejected, that they were inclined never more to take upon them the care of any thing to be transacted in the House ; finding already, that they could not avoid being looked upon as the authors of those counsels, to which they were so absolute strangers, and which they so perfectly detested.

And in truth, they had then withdrawn themselves from appearing often in the House, but upon the abstracted consideration of their duty and conscience,

and of the present ill condition the King was in ; who likewise felt within himself the trouble and agony which usually attends generous and magnanimous minds, upon their having committed errors, which expose them to censure and to damage. In fine, the House of Commons adjourned for some days, to consult with their friends in the city ; and the House of The Lords
likewise
adjourning
for the
same days. Lords held so good correspondence with them, that they likewise adjourned to the same days they knew, by some intelligence, the Commons intended to meet again. But the Lords made no committee to sit in the city.

The trans-
actions of
the com-
mittee in
the city.

When the committee met the next morning at Merchant-Taylors' Hall, where all who came were to have voices, and whither all did come at first, out of curiosity to observe what method they meant to proceed in, rather than expectation that they should be able to do any good there ; they found a guard ready to attend them, of substantial citizens in arms, and a committee from the Common Council, to bid them welcome into the city ; and to assure them, “ that “ the city would take care, that they and all their “ members should be secured from violence ; and to “ that purpose had appointed that guard to attend “ them, which should be always relieved twice a day, “ if they resolved to sit morning and afternoon : ” and acquainted them further, “ that the Common “ Council, in contemplation that they might stand in “ want of any thing, had likewise appointed a com-“ mittee of so many Aldermen, and such a number of “ the Common Council, which should meet always “ at a place named, at those hours, which that com-“ mittee should appoint to meet at ; to the end that, “ if any thing were to be required of the city, they “ might

" might still know their pleasure, and take care that " it should be obeyed." Thus they had provided for such a mutual communication and confederacy, that they might be sure always to be of one mind, and the one to help the other in the prosecution of those designs and expedients, which they should find necessary to their common end: the committee of the city consisting of the most eminent persons, Aldermen and others, for their disaffection to the government of Church and State.

At their first sitting, the committee begun with the stating the manner of the King's coming to the House, and all he did there; the several members mentioning all that they would take upon them to remember of his Majesty's doing or speaking, both as he came to the House, and after he was there; some of them being walking in Westminster-hall when the King walked through, and so came to the House with him, or near him; others reporting what they heard some of the great men, who attended his Majesty, say, as they passed by; every idle word having its commentary; and the persons, whoever were named, being appointed to attend; they having power given them to send for all persons, and to examine them touching that affair. Nor had any man the courage to refuse to obey their summons; so that all those of the King's servants, who were sent for, appeared punctually at the hour that was assigned them; and were examined upon all questions, which any one of the committee would propose to them, whereof many were very impertinent, and of little respect to the King.

It was very well known where the accused persons were, all together in one house in Coleman-street,

near the place where the committee sate ; and whether persons trusted passed to and fro to communicate and receive directions ; but it was not seasonable for them yet to appear in public, and to come and sit with the committee, or to own the believing that they thought themselves safe from the violence and the assaults of the Court ; the power whereof they exceedingly contemned, whilst they seemed to apprehend it : nor was it yet time to model in what manner their friends in the city and the country should appear concerned for them ; in preparing whereof no time was lost.

Against the day the House was to meet, the first adjournment not being for above two or three days, the committee had prepared matter enough for a report ; a relation of all they had discovered upon their examinations, and such votes as they thought fit to offer upon the breach of their privilege ; that they might thereby discover the affections of the House, of which they could not yet take any measure, seeing there had been no debate since those accidents, which could discover the general temper ; which they well enough knew was not before to their advantage. In the mean time, they used all the ways they could to asperse those, who used to oppose them, as the contrivers of the late proceedings ; and were willing they should know it ; which they imagined would restrain them from taking the same liberty they had used to do.

And so at their meeting in the House, upon the report of the committee, they declared, “ That the King’s coming to the House, and demanding the persons of divers members thereof to be delivered unto him, was a high breach of the rights and privileges

Votes of
the House
of Com-
mons upon
their first
meeting
again.

" vileges of Parliament, and inconsistent with the liberty and freedom thereof: and therefore that they could not with the safety of their own persons, or the indemnity of the rights and privileges of Parliament, sit there any longer, without a full vindication of so high a breach, and a sufficient guard, wherein they might confide; and for that reason did order, that their House should be again adjourned for four days; and that the committee should meet in the same place, to consider and resolve of all things, that might concern the good and safety of the city, and the kingdom; and particularly how their privileges might be vindicated, and their persons secured; and should have power to consult and advise with any person or persons, touching the premises." And this order and declaration being made, they adjourned; the last clause being intended to bring their members to them.

At the meeting of the House, the committee had informed them, first of the great civilities they had received from the city in all the particulars, that they might have order to return the thanks of the whole House, which they easily obtained; and, at their return, they took more examinations than they had formerly; by which they made a fuller relation of the King's coming to the House, and his carriage and words there. And because it was visible to all men, that the King was so far from bringing any force with him, which they desired it should be believed he had brought, that he had only his guard of halberdiers, and fewer of them than used to go with him on any ordinary motion; and that fewer of his gentlemen servants were then with him, than usually attended him when he went but to walk in the park;

and had only their little swords ; they were very punctual in mentioning any light or loose words, which had fallen from any man, that it might be believed that there was more in the matter. As they carefully inserted in their relation, that one of the waiters, as he walked very near his Majesty through the hall, said, “ he had a good pistol in his pocket ; ” and that another, as they were walking up the stairs towards the House of Commons, called out, *Full on* ; from which they would have it believed, that there had been very bloody intentions.

Then they proposed some votes to be offered to the House, in which they voted “ the relation, which “ was made, to be true ; and thereupon, that the “ King’s coming to the House was the highest breach “ of the privilege of Parliament that could be made ; “ and that the arresting, or endeavouring to arrest, “ any member of Parliament, was a high breach of “ their privilege ; and that the person, who was so “ arrested, might lawfully rescue and redeem himself ; “ and that all who were present, and saw the privilege “ of Parliament so violated, might and ought to assist “ the injured person in his defence, and to procure “ his liberty with force.” And these votes the House confirmed, when they were reported : though, in the debate, it was told them, “ that they must take heed, “ that they did not, out of tenderness of their privi- “ lege, which was and must be very precious to every “ man, extend it further, than the law would suffer it “ to be extended : that the House had always been “ very severe upon the breach of any of their privi- “ leges, and in the vindicating those members, who “ were injured ; but that the disposing men to make “ themselves judges, and to rescue themselves or “ others,

OF THE REBELLION, &c.

“ others, might be of evil consequence, and produce ill effects ; at least if it should fall out to be, that the persons were arrested for treason, or felony, or breach of the peace ; in either of which cases, there could be no privilege of Parliament.” This, though a known truth to any, who knew any thing of the law, was received with noise and clamour, and with wonderful evidence of dislike, and some faint contradictions, “ that no such thing ought to be done whilst a Parliament was sitting :” and then, falling upon the late action of the King, and the merit of those persons, and without much contradiction, which was found to be ungrateful, the House confirmed all that the committee had voted ; and then adjourned again for some days, and ordered the committee to meet again in the city ; which they did morning and afternoon, and prepared other votes of a brighter alloy, and more in the face of the King, and the law, every day adding to the fury and fierceness of the precedent. The House met and sat, only to confirm the votes which were passed by the committee, and to prosecute such matters as were by concert brought to them, by petition from the city ; which was ready to advance any thing they were directed : and so, whilst the members yet kept themselves concealed, many particulars of great importance were transacted in those short sittings of the House.

The King about this time, having found the inconvenience and mischief to himself of having no servant of interest and reputation, and who took his business to heart, in the House of Commons, had made the Lord Falkland and Sir John Colepepper, both members of that House, and of unblemished reputations and confessed abilities, of his Privy Council ; and the

the one, the Lord Falkland, his principal Secretary of State, and Sir John Colepepper, Chancellor of the Exchequer; as is said before. And so, having now gotten two counsellors about him, who durst trust one another, and who were both fit to be trusted by him, which he had been without above a year past, to his and the kingdom's irreparable disadvantage; he thought fit to publish a declaration to all his subjects, in answer to the remonstrance he had lately received from the House of Commons, and was dispersed throughout the kingdom. In which, without the least sharpness or return of the language he had re-

The King's
answer to
the Houle
of Com-
mons' for-
mer remon-
strance.
(for those were the new words, which served to justify all indispositions, and to excuse all disorders), "which made impression in the minds of his people, with reference to their religion, their liberty, or their civil interests."

" As to their religion, he observed their fears to be " of two sorts; either as ours here established might " be invaded by the Roman party; or as it was ac- " companied with some ceremonies, at which some " tender consciences or really were, or pretended to " be, scandalized. For the first, as there might be " any suspicion of favour or inclination to the Papists, " he said, he was willing to declare to all the world, " that, as he had been brought up from his childhood " in, and practised that religion, which was esta- " blished in the Church of England; so he believed " he could, having given a good part of his time and " pains to the examination of the grounds of it, as it " differed from that of Rome, maintain the same by " unanswerable reasons; and hoped he should be " ready to seal it with the effusion of his blood, if it " should

“ should please God to call him to that sacrifice : and
“ that nothing could be so acceptable to him, as any
“ proposition, which might contribute to the ad-
“ vancement of it here, or the propagation of it
“ abroad ; this being the greatest means to draw down
“ a blessing from God upon himself, and this nation ;
“ and if this profession of his was wanting to his peo-
“ ple, he thought himself extremely unfortunate, for
“ that his constant practice in his own person had al-
“ ways been, without ostentation, as much to evidence
“ his care and duty therein, as he could possibly tell
“ how to express.

“ As for matters of ceremony, he said, he would, in
“ tenderness to any number of his loving subjects, be
“ willing to comply with the advice of his Parlia-
“ ment, that some law should be made for the ex-
“ emption of tender consciences from punishment or
“ prosecution for neglecting such ceremonies ; and
“ in such cases, which by the judgment of most men
“ are held to be matters indifferent, and of some to
“ be absolutely unlawful. Provided that that case
“ should be attempted, and pursued with that mo-
“ desty, temper, and submission, that in the mean
“ time the peace and quiet of the kingdom should
“ not be disturbed, the decency and comeliness of
“ God’s service not discountenanced, nor the pious,
“ sober, and devout actions of those reverend persons,
“ who were the first labourers in the blessed Reforma-
“ tion, or of that time, be scandalized and defamed.
“ For, he said, he could not, without grief of heart,
“ and without some tax upon himself and his mini-
“ sters for the not executing of the laws, look upon
“ the bold licence of some men in printing of pam-
“ phlets, in preaching and printing of sermons so full
“ of

“ of bitterness and malice against the present government, against the laws established ; so full of sedition against his own person, and the peace of the kingdom ; that he was many times amazed to consider by what eyes those things were seen, and by what ears they were heard.

“ Concerning the civil liberties and interests of the subjects, he said, he should need say the less, having erected so many lasting monuments of his princely and fatherly care of his people, in those excellent laws passed by him this Parliament ; which, with very much content to himself, he said, he conceived to be so large and ample, that very many sober men had little left to wish for of that kind. He told them, he very well understood the rights and particular advantages, he had departed from in many of the acts he had passed ; and therefore he had reason to hope, as he had taken all occasions to render their condition most comfortable and happy ; so they would, in grateful and dutiful return, be always ready with equal tenderness and alacrity to advance his rights, and prefer his honour, upon which their own security and subsistence so much depended ; and no particular should be presented unto him for the completing and establishing that security, to the which he would not with the same readiness contribute his best assistance. He said, if those resolutions were the effects of his present counsels, and he took God to witness that they were such, and that his subjects might confidently expect the benefit of them from him, certainly no ill design upon the public could accompany such resolutions ; neither could there be great cause of suspicion of any persons preferred by him to degrees of honour,

“ honour, and places of trust and employment, since
“ this Parliament : and therefore, that amongst his
“ misfortunes he reckoned it not the least, that, hav-
“ ing not retained in his service, nor protected, any
“ one person, against whom the Parliament had ex-
“ cepted, during the whole sitting of it ; and having
“ in all that time scarce vouchsafed to any man an
“ instance of his favour or grace, but to such who
“ were under some eminent character of estimation
“ amongst the people, there should so soon be a mis-
“ understanding or jealousy of their fidelity and up-
“ rightness ; especially in a time, when he took all
“ occasions to declare, that he conceived himself ca-
“ pable of being served only by honest men, and in
“ honest ways.

“ However, if he had been mistaken in such his
“ election, the particular should no sooner be disco-
“ vered to him, either by his own observation, or
“ other certain information, than he would leave them
“ to public justice, under the marks of his displea-
“ sure. If, notwithstanding this, any malignant party
“ should take heart, and be willing to sacrifice the
“ peace and happiness of their country to their own
“ sinister ends and ambitions, under what pretence of
“ religion and conscience foever ; if they should en-
“ deavour to lessen his reputation and interest, and to
“ weaken his lawful power and authority with his
“ good subjects ; if they should go about, by dis-
“ countenancing the present laws, to loosen the bonds
“ of government, that all disorder and confusion might
“ break in ; he doubted not, but God in his good time
“ would discover them ; and the wisdom and courage
“ of his high court of Parliament would join with
“ him in their suppression and punishment.

“ Having

“ Having said all he could, to express the clearness
“ and uprightness of his intentions, and done all he
“ could to manifest those intentions, he said, he could
“ not but confidently believe, all his good subjects
“ would acknowledge his part to be fully performed,
“ both in deeds past, and present resolutions to do
“ what with justice might be required of him ; and
“ that their quiet and prosperity now depended wholly
“ on themselves, and was in their own power, by
“ yielding all obedience and due reverence to the
“ law ; which is the inheritance of every subject, and
“ the only security he can have for his life, liberty,
“ and estate ; and the which being neglected or dis-
“ esteemed, under what specious shews foever, a great
“ measure of infelicity, if not an irreparable confu-
“ sion, must without doubt fall upon them. And he
“ doubted not, it would be the most acceptable de-
“ claration a King could make to his subjects, that he
“ was not only resolved to keep the laws himself, but
“ to maintain them against what opposition foever,
“ though with the hazard of his being. He hoped
“ the loyalty and good affections of all his subjects
“ would concur with him in the constant preserving
“ a good understanding between him and his people ;
“ and that their own interest, and compassion of the
“ lamentable condition of the poor Protestants in Ire-
“ land, would invite them to a fair intelligence and
“ unity amongst themselves ; that so they might, with
“ one heart, intend the relieving and recovering of
“ that unhappy kingdom ; where those barbarous re-
“ bels practised such inhuman and unheard of out-
“ rages upon the miserable people, that no Christian
“ ear could hear without horror, or story parallel.
“ He concluded with conjuring all his good subjects,
“ of

“ of what degree or quality soever, by all the bonds
“ of love, duty, and obedience, that are precious to
“ good men, to join with him for the recovery of the
“ peace of that kingdom, and the preservation of the
“ peace of this ; to remove all the doubts and fears
“ which might interrupt their affection to him, and
“ all their jealousies and apprehensions, which might
“ lessen their charity to each other ; and then, he said,
“ if the sins of the nation had not prepared an inevi-
“ table judgment for all, God would make him a great
“ and glorious King over a free and happy people.”

Though this declaration had afterwards a very good influence upon the people to his Majesty's advantage, yet for the present it gave no allay to their distempers. Their seditious ministers were dispatched to inflame the neighbour counties, and all possible art was used to inflame the city of London ; which prevailed so far, that notwithstanding all the opposition the Lord Mayor of London, the Recorder, and the gravest and most substantial Aldermen could make, the major part of the Common Council prevailed to send a petition to the King, in the name of the Mayor, Aldermen, and Common Council of the city of London ; which was the next Sunday morning delivered to him, with great solemnity, at Whitehall, by a number chosen of that body ; representing “ the ^{The city} _{petitions} great dangers, fears, and distractions, the city then ^{the King.} was in, by reason of the prevailing progress of the bloody rebels of Ireland ; the putting out of persons of honour and trust from being Constable and Lieutenant of the Tower, especially in those times, and the preparations there lately made ; the fortifying Whitehall with men and ammunition in an unusual manner ; some of which men abused and “ wounded

“ wounded divers citizens passing by; the calling in divers canoneers, and other assistance into the Tower; “ the discovery of divers fireworks in the hands of Papists, and the misunderstanding between his Majesty and the Parliament. That their fears were exceedingly increased by his Majesty’s late going into the House of Commons, attended by a multitude of armed men, for the apprehending of divers members of that House, to the endangering his own person, and the persons and privileges of that honourable assembly. That the effects of those fears tended not only to the overthrow of the whole trade of that city and kingdom, which they felt already in a deep measure, but threatened the utter ruin of the Protestant religion, and the lives and liberties of all his subjects; and therefore they prayed his Majesty, that, by the advice of his great council in Parliament, the Protestants in Ireland might be speedily relieved; the Tower put into the hands of persons of trust; that, by removal of doubtful and unknown persons from about Whitehall and Westminster, a known and approved guard might be appointed for the safety of his Majesty and the Parliament; and that the Lord Kimbolton, and the five members of the House of Commons lately accused, might not be restrained of liberty, or otherwise proceeded against, than according to the privileges of Parliament.”

The King very well understood from what spirit this petition proceeded, and the inconvenience of giving so much countenance to it, as the very receiving it was, if he could have avoided it. But the torrent was too strong to be resisted by any direct strength he could raise against it; and therefore he resolved

resolved to endeavour to divide and reduce them, by the most gracious descending to their pretended fears and apprehensions ; and the same day gave them this answer ; “ That, for the sad business of Ireland, he His Majef-
“ could not possibly express a greater sense than he ty’s answer.
“ had done, there being nothing left on his part un-
“ offered, or undone. For the Tower, he wondered
“ that, having removed a servant of trust from that
“ charge, only to satisfy the fears of the city, and put
“ in another of unquestionable reputation and known
“ ability, the petitioners should still entertain those
“ fears ; and whatsoever preparation of strength was
“ there made, was with as great an eye of safety and
“ advantage to the city, as to his own person, and
“ should be equally employed to both.

“ For the fortifying Whitehall with men and am-
“ munition in an unusual way, he doubted not, that
“ they had observed the strange provocation he had
“ received to entertain that guard ; that, by the dis-
“ orderly and tumultuous conflux of people at West-
“ minster and Whitehall, his great Council was not
“ only disquieted, but his own royal person in dan-
“ ger ; most seditious language being uttered even
“ under his own windows. And if any citizens had
“ been wounded, or ill treated, he was confidently
“ assured, that it had happened by their own evil and
“ corrupt demeanours. For the fireworks in the hands
“ of a Papist, he knew nothing, nor understood whom,
“ or what they meant.

“ For his going to the House of Commons, when
“ his attendants were no otherwise armed than as gen-
“ tlemen with swords, he was persuaded, that if they
“ knew the clear grounds, upon which those persons
“ stood accused of high treason, and what would be

" proved against them, with which they should in
" due time be acquainted, and considered the gentle
" way he took for their apprehension, (which he pre-
" fered before any course of violence, though that
" way had been very justifiable ; since it was noto-
" riously known, that no privilege of Parliament can
" extend to treason, felony, or breach of peace), they
" would believe his going thither was an act of grace
" and favour to that House, and the most peaceable
" way of having that necessary service performed ;
" there being such orders made for the resistance of
" what authority soever for their apprehension : and
" for the proceedings against those persons, he ever
" intended the same should be with all justice and
" favour, according to the laws and statutes of the
" realm ; to which all innocent men would cheerfully
" submit. And this extraordinary way of satisfying
" a petition of so unusual a nature, he said, he was
" confident would be thought the greatest instance
" could be given of his clear intentions to his sub-
" jects ; and of the singular esteem he had of the
" good affections of that city, which he hoped in
" gratitude would never be wanting to his just com-
" mands and service."

It was no wonder that they, who at such a time could be corrupted to frame and deliver such a petition, would not be reformed by such an answer. Neither will it be here unseasonable, to spend a little time in considering how the affections and tempers of so rich and opulent a city, which could naturally expect to prosper only by peace and agreement, were wrought upon and transported to that degree, as to be the chief instruments of its own and the kingdom's destruction.

The city of London, as the metropolis of England, by its situation the most capable of trade, and by the most usual residence of the Court, and the fixed station of the courts of justice for the public administration thereof throughout the kingdom, the chief seat of trade, was, by the successive countenance and favour of princes, strengthened with great charters and immunities, and was a corporation governed within itself; the Mayor, Recorder, Aldermen, Sheriffs, chosen by themselves; several companies incorporated within the great corporation; which, besides notable privileges, enjoyed lands and perquisites to a very great revenue. By the incredible increase of trade, which the distractions of other countries, and the peace of this, brought, and by the great licence of resort thither, it was, since this King's access to the crown, in riches, in people, in buildings, marvellously increased, insomuch as the suburbs were almost equal to the city; a reformation of which had been often in contemplation, never pursued, wise men foreseeing that such a fulness could not be there, without an emptiness in other places; and whilst so many persons of honour and estates were so delighted with the city, the government of the country must be neglected, besides the excess, and ill husbandry, that would be introduced thereby. But such foresight was interpreted a morosity, and too great an oppression upon the common liberty; and so, little was applied to prevent so growing a disease.

As it had these and many other advantages and helps to be rich, so it was looked upon too much of late time as a common stock not easy to be exhausted, and as a body not to be grieved by ordinary acts of injustice; and therefore, as it was a place of

resort, in all cases of necessity, for the sudden borrowing great sums of money, in which they were commonly merchants too good for the Crown, so it was become a practice, upon any specious pretences, to void the security, that was at any time given for money so borrowed.

Thus after many questionings of their charter, which were ever removed by considerable sums of money, a grant made by the King in the beginning of his reign, (in consideration of great sums of money), of good quantities of land in Ireland, and of the city of Londonderry there, was voided by a suit in the Star-Chamber ; all the lands, after a vast expence in building and planting, resumed into the King's hands, and a fine of fifty thousand pounds imposed upon the city. Which sentence being pronounced after a long and public hearing, during which time they were often invited to a composition, both in respect of the substance, and the circumstances of proceeding, made a general impression in the minds of the citizens of all conditions, much to the disadvantage of the Court ; and though the King afterwards remitted to them the penalties of that sentence, they imputed that to the power of the Parliament, and rather remembered how the benefit of their grant had been taken from them, than by whom it was restored : so that, at the beginning of the Parliament, the city was as ill affected to the Court as the country was ; and therefore chose such burgesses to sit there, as had either eminently opposed the Court, or accidentally been oppressed by it.

The chief government and superintendency of the city is in the Mayor and Aldermen ; which, in that little kingdom, resembles the House of Peers ; and the Common Council is the representative body thereof,
like

like the House of Commons, to order and agree to all taxes, rates, and such particulars belonging to the civil policy. The Common Council are chosen every year, so many for every parish, of the wisest and most substantial citizens, by the vestry, and common convention of the people of that parish ; and as the wealthiest and best reputed men were commonly chosen, so, though the election was once a year, it was formerly scarce ever known, that any man once chosen was afterwards rejected or left out, except upon discovery of an enormous crime, and decaying in fortune to a bankrupt ; otherwise, till he was called to be alderman, or died, he continued, and was every year returned of the Common Council.

After the beginning of this Parliament, when those who steered at Westminster found by their experience in the case of the Earl of Strafford, of what consequence the city might be to them, and afterwards found, by the courage of the present Lord Mayor, Sir Richard Gourney, who cannot be too often or too honourably mentioned, that it might be kept from being disposed by them ; and that the men of wealth and ability, who at first had concurred with them, begun now to discern that they meant to lead them further than they had a mind to go ; they directed their confidants, that at the election of the Common Council-men by the concurrence and number of the meaner people, all such who were moderate men, and lovers of the present government, should be rejected ; and in their places men of the most active and pragmatical heads, of how mean fortunes soever, should be elected : and by this means that body in great part now consisted of upstart, factious, indigent companions, who were ready to receive all advertisements

and directions from Westminster, and as forward to encroach upon their superiors, the Mayor and Aldermen. And so this firebrand of privilege inflamed the city at that time.

That they might gratify the city in procuring a better answer than they had received from the King to their petition, and that they might more expose his Majesty to their affronts, the House resumed the business of the Tower again, with the old reflections upon the removal of the former good Lieutenant, and the putting in a rude person, and of a desperate fortune, as they called him, that he might use such prisoners, as there was an intent to send thither, in such a manner as he should be directed ; and that the person, who was since put in, had put the city into great apprehensions, by the observation that was made, that he took great store of provisions into the Tower, as if he made provision for a greater garrison, which raised great jealousies ; and there was a petition brought, and delivered to the Houses in the names of several merchants who used to trade to the mint ; in which they desired that there might be such a person made Lieutenant of the Tower, "as they could confide in," (an expression that grew from that time to be much used), without which no man would venture bullion into the mint, and by consequence no merchant would bring it into the kingdom. Whereas in truth there was no gentleman in the kingdom of a better reputation amongst all sorts of men, and there had been more bullion brought into the mint in the short time of his being Lieutenant, than had been in many months before : and amongst those persons, which so solemnly delivered that petition, and had all subscribed it, there were very few who had ever sent any silver

silver into the mint. However, the House entertained the ~~complaint~~ as very reasonable, and sent for a conference with the Lords, with whom they prevailed to join with them in a desire to the King, "that he would remove Sir John Byron from being Lieutenant of the Tower," which the King for some time refused to do, till they pressed it in another manner, which shall be mentioned anon.

The committee, that still continued to sit in London, intended no other business, but their own privileges ; sent for, and examined, as hath been said, all men who had attended his Majesty, or had been casually present in the hall, or at the doors of the Commons' House, when the King was there : and all such examinations, as testified any extravagant discourse uttered by any loose fellow, who had accidentally put himself into the company, though it appeared he had no relation to the King's service, were carefully entered, and published ; but such as declared the King's strict command against any violence or disorder, and his positive charge, that no man should presume to follow him into the House of Commons, (as full proof was made to them of those particulars), were as carefully suppressed and concealed.

The Sheriffs of London had been directed to appoint a guard to attend the committee, whilst it should continue there ; and then to guard the Houses when they should again sit at Westminster. The accused persons, who lodged all this time in the city, were brought to the committee with much state, and sat with them to devise some way to vindicate themselves.

Then a declaration was agreed upon by the Commons

A declaration of the Commons touching the five members only, in which was set forth, "that the chambers, studies, and trunks of Mr. Hollis, Sir Arthur Haslerig, Mr. Pym, Mr. Hambden, and M^r. Strode, had been by colour of his Majesty's warrant sealed up; which was not only against the privilege of Parliament, but the common liberty of every subject; that the same members had been the same day demanded by a Serjeant at Arms to be delivered to him, that he might arrest them of high treason; that the next day his Majesty came to the House in his own person, attended by a multitude of armed men, in a warlike manner, with halberts, swords, and pistols, who came up to the very door of the House, and placed themselves there, and in other places and passages near to the House, to the great terror and disturbance of the members then sitting; that his Majesty, sitting in the Speaker's chair, demanded the persons of those members to be delivered, to him; which was a high breach of the rights and privileges of Parliament, and inconsistent with the liberties and freedom thereof; that afterwards his Majesty did issue forth several warrants to divers officers under his own hand, for the apprehension of their persons, which by law he could not do." And thereupon they declared, "that if any person should arrest Mr. Hollis, &c. or any other member of Parliament, by pretence of any warrant issuing out from the King, he was guilty of the breach of the privilege of Parliament, and a public enemy of the commonwealth; and that the arresting any member of Parliament, by any warrant whatsoever, without consent of that House, whereof he is a member, is a breach of the privilege

“ lege of Parliament : and the person that shall so
“ ~~arrest~~ him is declared a public enemy of the
“ commonwealth.”

They published, “ that it did fully appear by several
“ examinations, that many soldiers, papists and others,
“ to the number of about five hundred, came with
“ his Majesty to the House of Commons, armed ; and
“ that some of them, holding up their pistols cocked
“ near the door of the House, which they kept open,
“ said, I am a good marksman ; I can hit right, I war-
“ rant you : and said, they would have the door
“ open ; and if any opposition was made, they made
“ no question but they should maintain their party ;
“ and that some said, A pox take the House of Com-
“ mons ; let them be hanged. And when the King
“ returned from the House, they expressed great dis-
“ content, asking, when comes the *word* : that some
“ of them being demanded what they thought the
“ company intended to have done, answered, that
“ questionles in the posture they were set in, if the
“ *word* had been given, they should have fallen upon
“ the House of Commons, and have cut all their
“ throats : upon which they said they were of opi-
“ nion, that the soldiers and papists coming in that
“ manner with his Majesty was to take away some of
“ the members of the House ; and if they should have
“ found opposition, or denial, then to have fallen
“ upon the House in a hostile manner.”

And they did thereupon declare, “ That the same was
“ a traitorous design against the King and Parliament.
“ And whereas the persons accused had, with the ap-
“ probation of the House, absented themselves from
“ the service of the House, for avoiding the great and
“ many inconveniences, which otherwise might have
“ happened ;

" happened ; since which time, a printed paper in the
" form of a proclamation had issued out for the ap-
" prehending and imprisoning them, suggesting, that
" through the conscience of their guilt they were ab-
" sent and fled ;" they did further declare, " that the
" said printed paper was false, and scandalous, and il-
" legal ; and that notwithstanding that printed paper,
" or any warrant issued out, or any other matter
" against them, they might and ought to attend the
" service of the House, and the committees then on
" foot ; and that it was lawful for all persons what-
" soever to lodge, harbour, and converse with them ;
" and whosoever should be questioned for the same,
" should be under the protection and privilege of
" Parliament."

And they declared, " That the publishing the arti-
" cles of high treason against the persons accused, was
" a high breach of the privilege of Parliament, a great
" scandal to his Majesty and his government, a sedi-
" tious act, manifestly tending to the subversion of
" the peace of the kingdom, and an injury and dis-
" honour to the members ; and that the privileges of
" Parliament, and liberties of the subject, so violated
" and broken, could not be fully and sufficiently vin-
" dicated, unless the King would be graciously pleased
" to discover the names of those persons, who advised
" him to do the particular acts before mentioned,
" that they might receive condign punishment."

This strange declaration, so contrary to the known rules and judgments of law, and to the known practice and proceedings of Parliament, was no sooner framed and agreed upon in the committee, than it was printed, and published throughout the city and kingdom, before it was confirmed by, or reported to the

the House ; which is against the custom of Parliament. For, by that custom, no act done at any committee should be divulged before the same be reported to the House.

The truth is, it cannot be expressed how great a change there appeared to be in the countenance and minds of all sorts of people, in town and country, upon these late proceedings of the King. They, who had before even lost their spirits, having lost their credit and reputation, except amongst the meanest people, who could never have been made use of by them, when the greater should forsake them ; and so despaired of ever being able to compass their designs of malice, or ambition, (and some of them had resumed their old resolutions of leaving the kingdom), now again recovered greater courage than ever, and quickly found that their credit and reputation was as great as ever it had been ; the Court being reduced to a lower condition, and to more disesteem and neglect, than ever it had undergone. All that they had formerly said of plots and conspiracies against the Parliament, which had before been laughed at, was now thought true and real ; and all their fears and jealousies looked upon as the effects of their great wisdom and foresight. All that had been whispered of Ireland was now talked aloud and printed ; as all other seditious pamphlets and libels were. The shops of the city generally shut up, as if an enemy were at their gates ready to enter, and to plunder them ; and the people in all places at a gaze, as if they looked only for directions, and were then disposed to any undertaking.

On the other side, they who had, with the greatest courage and alacrity, opposed all their seditious practices,

tices, between grief and anger were confounded with the consideration of what had been done, and what was like to follow. They were far from thinking that the accused members had received much wrong ; yet they thought it an unseasonable time to call them to an account for it. That if any thing had been to be done of that kind, there should have been a fitter choice of the persons, there being many of the House, of more mischievous inclinations, and designs against the King's person and the government, and who were more exposed to the public prejudice, than the Lord Kimbolton was ; who was a civil and well natured man, and had rather kept ill company, than drank deep of that infection and poison, that had wrought upon many others. Then Sir Arthur Haslerig and Mr. Strode were persons of too low an account and esteem ; and though their virulence and malice was as conspicuous and transcendent as any man's, yet their reputation and interest to do mischief, otherwise than in concurring in it, was so small, that they gained credit and authority by being joined with the rest, who had indeed a great influence. However, since there was a resolution to proceed against those men, it would have been much better to have caused them to have been all severally arrested, and sent to the Tower, or to other prisons, which might have been very easily done before suspected, than to send in that manner to the Houses with that formality, which would be liable to so many exceptions. At least, they ought so far to have imparted it to members in both Houses, who might have been trusted, that in the instant of the accusation, when both Houses were in that consternation, (as in a great consternation they were), somewhat might have been prested confidently towards

towards the King's satisfaction ; which would have produced some opposition and contradiction, and might have prevented that universal concurrence and dejection of spirit, which seized upon and possessed both Houses.

But, above all, the anger and indignation was very great and general, that to all the other oversights and presumptions was added the exposing the dignity, and majesty, and safety of the King, in his coming in person, in that manner, to the House of Commons ; and in going the next day, as he did, to the Guildhall, and to the Lord Mayor's, which drew such reproaches upon him to his face. All which was justly imputed to the Lord Digby, who had before fewer true friends than he deserved, and had now almost the whole nation his enemies, being the most universally odious of any man in it.

When the House of Commons had passed such votes from the committee at Merchant-Taylors' Hall, as they thought necessary, and had once more adjourned thither, the committee asked the advice of the House, whether the accused members might be present with them, (who had in truth directed and governed all their proceedings from the time they sat there) : which was not only approved, but those members required to attend the House the next day it was to sit, and so to continue the service of the House, which was then adjourned for three or four days, that the city might appear in such a posture, as should be thought convenient.

The noise was so great of the preparations made in the city to bring the accused members in triumph to the Parliament, and that the whole militia would accompany them, whilst the seamen and mariners made

The King and the royal family remove to Hampton-Court. an appearance in barges, and other vessels, upon the Thames to Westminster, that the King thought it convenient to remove again from Whitehall ; and so on the tenth of January, which was the eve to that great festival, his Majesty, the Queen, and the royal children, went from Whitehall to Hampton-Court, waited on by some few of their own household servants, and thirty or forty of those officers, who had attended at Whitehall for security against the tumults.

Before his going, he sent to the Earls of Essex and Holland to attend him in his journey ; who were both by their places, the one being Lord Chamberlain of his Household, the other the first Gentleman of his Bedchamber, or Groom of the Stole, obliged to that duty. The Earl of Essex resolved to go ; and to that purpose was making himself ready, when the Earl of Holland came to him, and privately dissuaded him ; assuring him, that if they two went, they should be both murdered at Hampton-Court : whereupon they left the King to his small retinue in a most disconsolate, perplexed condition, in more need of comfort and counsel, than they had ever known him ; and, instead of attending their Master in that exigent, they went together into the city, where the committee sate, and where they were not the less welcome for being known to have been invited to have waited upon their Majesties. They who wished the King best, were not sorry that he then withdrew from Whitehall ; for the insolence, with which all that people were transported, and the animosity, which was infused into the hearts of the people in general against the Court, and even against the person of the King, cannot be expressed.

Whilst the committee sate in London, the Common Council

Council likewise met, as hath been said, to the end they might be ready to comply in any particulars should be desired from the city ; and so the committee having resolved, “ that the actions of the citizens “ of London, or of any other person whatsoever for “ the defence of the Parliament, or the privileges “ thereof, or the preservation of the members thereof, “ were according to their duty, and to their late pro- “ testation, and the laws of this kingdom :” and if any person should arrest or trouble any of them for so doing, he was declared “ to be a public enemy of “ the commonwealth :” and in the next place having resolved, “ that that vote should be made known to “ the Common Council of the city of London,” the accused members about two of the clock in the after-
The accused
members
are brought
in triumph
to West-
minster,
Jan. 11.
noon on the eleventh of January, being the next day after the King went to Hampton-Court, came from their lodgings in the city to Westminster, guarded by the Sheriffs, and Trained-bands of London and Westminster, and attended by a conflux of many thousands of people besides, making a great clamour against Bishops and Popish Lords, and for the privileges of Parliament ; some of them, as they passed by Whitehall, asking, with much contempt, “ what was become of “ the King and his Cavaliers ? and whither he was “ gone ? ”

From London-bridge to Westminster, the Thames was guarded with above a hundred lighters and long-boats, laden with small pieces of ordnance, and dressed up with waist-clothes and streamers, as ready for fight. And that the Trained-bands of London might be under the command of a person fit to lead them, they granted a commission to Captain Skippon, who was Captain of the Artillery-Garden, to be Major-General of

of the militia of the city of London ; an office never before heard of, nor imagined that they had authority to constitute. The man had served very long in Holland, and from a common soldier had raised himself to the degree of a captain, and to the reputation of a good officer : he was a man of order and sobriety, and untainted with any of those vices, which the officers of that army were exercised in ; and had newly given over that service upon some exceptions he had to it ; and, coming to London, was by some friends preferred to that command in the Artillery-Garden, which was to teach the citizens the exercise of their arms. He was altogether illiterate, and having been bred always abroad, brought disaffection enough with him from thence against the Church of England, and so was much careffed and trusted by that party.

This man marched that day in the head of their tumultuary army to the Parliament-House ; where the accused members were no sooner entered, than they magnified “ the great kindness and affection they had “ found in the city, and their zeal to the Parliament ; “ and if their expressions of it, upon this extraordinary occasion, had been somewhat unusual, that the “ House was engaged in honour to protect and defend “ them from receiving any damage.” Whereupon the Sheriffs of London were called into the House of Commons, and thanked by the Speaker for their extraordinary care, and love exprefsed to the Parliament ; and told, “ that they should have an ordinance “ of Parliament for their indemnity, declaring that all “ their actions of respect and kindness, which they “ had shewed to the Lords and Commons in London, “ and their attending them to and at Westminster, “ was legal and justifiable.” The masters and officers of

of ships were likewise called in, and most heartily thanked for their kindness ; and Sergeant-Major-General Skippon appointed every day to attend at Westminster, with such a guard as he thought sufficient for the two Houses. There was one circumstance not to be forgotten in the march of the citizens that day, when the shew by water was little inferior to the other by land, that the pikemen had fastened to the tops of their pikes, and the rest in their hats, or their bosoms, printed papers of the protestation which had been taken, and enjoined by the House of Commons the year before for the defence of the privilege of Parliament ; and many of them had the printed votes of the King's breaking their privileges in his coming to the House, and demanding their members.

As soon as the citizens and mariners were discharged, some Buckinghamshire men, who were said to be at the door, with a petition, and had indeed waited upon the triumph with a train of several thousand men, were called in ; who delivered their petition in the name of the inhabitants of the county of Buckingham, and said it was brought to the town by about six thousand men. " They commended the unwea-
 " ried pains of the House of Commons, for the redress
 " of the pressures they had lain under ; but com-
 " plained that the success was not answerable, their
 " endeavours being frustrated or retarded by a ma-
 " lignant faction of Popish Lords, Bishops, and
 " others ; and now of late, to take all that little hope,
 " was left, from them, of a future reformation, the very
 " being of the Parliament was shaken, the privileges
 " thereof broken in a desperate and unexampled man-
 " ner, and the members thereof unassured of their
 " lives,

“ lives, in whose safety, the safety of them and their
“ posterity was involved. They held it therefore
“ their duty, according to their late protestation, to
“ defend and maintain the persons and privileges
“ thereof, to the utmost power of their lives and
“ estates ; to which purpose, they said, they were then
“ come to make the humble tender of their service,
“ and would remain in expectation of their com-
“ mands and order ; to the execution whereof they
“ would with all alacrity address themselves, ready to
“ live by them, or to die at their feet, against whom-
“ soever should in any sort illegally attempt upon
“ them.

“ They besought them therefore to affist the ardent
“ prayers of the petitioners, that the Popish Lords and
“ Bishops might be forthwith outed the House of
“ Peers ; that all privileges of Parliament might be
“ confirmed to them, and that all evil counsellors, the
“ Achans of the commonwealth, might be given up
“ to the hands of justice ; without all which, they
“ said, they had not the least hope of Israel’s peace,
“ or to reap those glorious advantages, which the
“ fourteen months feed-time of their unparallced en-
“ deavours had given to their unsatisfied expecta-
“ tions.”

When they had received thanks for their wonderful affection, and were told, that, “ by the great care
“ of the city of London, the Parliament was suffi-
“ ciently guarded and assured ; and therefore that
“ they might depart to their houses till further occa-
“ sion appeared, of which they should be sure to be
“ informed ;” one of them said, “ they had another
“ petition, which they meant to prefer to the King ;
“ but desired their advice, whether that House would
“ vouchsafe

“ vouchsafe to recommend it, or whether they them-
“ selves should deliver it.” For that, they received
new thanks ; and were wished, “ that six or eight
“ of them should present it to his Majesty in the
“ name of the rest ;” for the House saw their wisdom
and moderation such, that they presumed they of
themselves were very able to manage that busines.

When they had thus careffed the Commons, they went to the House of Lords with another petition, ^{They also petition the House of Lords.} complaining “ of the malignant faction, which ren-
“ dered the endeavours of the House of Commons
“ successless,” and said, “ that in respect of that late
“ attempt upon the honourable House of Commons,
“ they were come to offer their service, as resolved in
“ their just defence to live and die. And therefore they
“ did humbly pray, that that most honourable House
“ would cooperate with the House of Commons, in
“ speedily perfecting the most necessary work of re-
“ formation, bringing to condign and exemplary pu-
“ nishment both wicked counsellors, and other plot-
“ ters and delinquents ; and that the whole kingdom
“ might be put into such a present posture of de-
“ fence, that they might be safe both from all prac-
“ tices of the malignant party at home, and the en-
“ deavours of any ill-affected states abroad.” The
Lords were as civil to them as the Commons had
been, and gave them great thanks. And from thence
they went to find out the King with their petition to ^{They petition the} him ; in which they complained, “ that Mr. Hamb- ^{King.}
“ den, whom they had chosen Knight of their shire,
“ and in whom they had ever good cause to confide,
“ was, to their great amazement, accused, amongst
“ the others, of high treason. They said, that having
“ taken into their serious consideration the manner

“ of their impeachment, they could not but conceive
“ that it did oppugn the rights of Parliament, to the
“ maintenance whereof their protestation did bind
“ them ; and they did believe, that the malice, which
“ his and the others zeal to his Majesty’s service, and
“ the State, had raised in the enemies of his Majesty,
“ the Church, and the Commonwealth, had occa-
“ sioned that foul accusation, rather than any ill de-
“ ferts of theirs ; and that through their sides the
“ judgment and care of the petitioners and others were
“ wounded, by whose choice they were presented to
“ the House ; and therefore they did humbly desire
“ his Majesty, that Mr. Hambden, and the rest, who
“ lay under the burthen of that accusation, might
“ enjoy the just privileges of Parliament.” So from
this day we may reasonably date the levying of war
in England ; whatsoever hath been since done being
but the superstructures upon those foundations, which
were then laid.

The House
of Com-
mons re-
vived the
votes passed
by their
committee
in the city,
and added
more.

The members being in this manner placed again
upon their thrones, and the King retired with his
poor family to Hampton-Court, they reviewed their
votes, which had passed in the committee in the city,
which they had caused every night to be printed
without staying for the confirmation of the House ;
and where they had any defect, as they thought, or
by the interpretation of others, they supplied them
with more strength and authority. So they provided
and declared, “ that no member of Parliament should
“ be arrested upon any pretence whatsoever.” And
because it had been insisted on, that they would not
make any declaration so much against the known law,
which allowed no privilege in the case of treason, felony,
or breach of the peace, they now added, that “ even in
“ the

“ the case of treason no member ought or could be arrested, or proceeded against, without first informing the House, of which he was a member, of the charge and evidence against him, and receiving their leave and direction for the proceeding against him.” And that men might hereafter be more wary how they were made instrumental in bringing any reproach upon them, they appointed a committee to prepare a charge against Herbert, the King’s Attorney General, for presuming to accuse the members of high treason ; which was made ready accordingly, and prosecuted with wonderful vigour, as will be remembered hereafter.

They resolved that the King should not enjoy much ease and quiet in his retreat ; and therefore every day sent some committee or other to him with petitions and expostulations : a committee of Lords and Commons attended him with a grievous complaint of the breach of privilege, they had sustained by his coming to the House ; and desired him “ that he would inform them who had given him that pernicious counsel, that such evil counsellors might be brought to justice, and receive condign punishment.” And when they found that the Lord Digby, whom they generally believed to be the author and contriver of all that transaction, though they could have no evidence of it, had withdrawn himself from Court, and they well enough knew had transported himself beyond the seas, they brought witnesses to the bar, who affirmed, “ that there were, on such a day, several officers, whereof the unbeloved Lunsford was one, assembled together at Kingston upon Thames near Hampton-Court ; and that the Lord Digby came thither to them in a coach with six horses from Hampton-

The Lord
Digby ac-
cused of
high trea-
son upon
pretence
of his levy-
ing war at
Kingston
upon
Thames.

“ Court, and conferred with them a long time, and “ then returned again thither.” They were well satisfied with the evidence, and forthwith accused him to the House of Peers of high treason, for the levying of war against the King and Parliament ; and a proclamation was shortly issued out for his apprehension, when all the town knew, that he was safely arrived in Zealand. They resumed the consideration of the Lieutenant of the Tower ; and upon new information that much provision was sent in thither every day, they sent for Sir John Byron, who appeared at their bar, and gave so full answers to all the questions they asked of him, that they could not but dismiss him. However they sent again to the King to remove him, and put a fitter man into the place, and recommended Sir John Coniers to him, as a man in whom they could confide ; and because they did not speedily receive such an answer as they liked, they appointed their Major-General Skippon to place such guards about the Tower, as might prevent the carrying in more provision of victual thither, than would serve for one day’s consumption ; notwithstanding which, the King would not consent to their desire.

All men were now in union in both Houses : the Lords had not yet recovered the courage to dissent in any one proposition made to them from the Commons ; and in their House no man durst presume to debate the matter of privilege, how far it extended, and in what cases it was of no moment, lest he might be thought to be privy to, and a counsellor of, that heinous breach, which had given them all this credit. In this consent and concurrence, all the votes, which had passed at the committee in London, and which had been by them communicated to the Common Council,

Council, and so divulged throughout the city and kingdom, were confirmed ; and those who objected against any expressions, which were not warrantable, reprehended for taxing the discretion of the committee.

And in one day both Houses agreed in and executed three acts of sovereignty, even of as high a nature as any they have since ventured upon ; the first, “ in commanding the Sheriffs of London, by “ and with the advice of their new Serjeant-Major- “ General Skippon, to place a guard upon, that is to “ besiege the Tower of London, to hinder the go- “ ing in of any provisions, or going out of any arms “ or ammunition ;” the second, “ in appointing Sir “ John Hotham to go to Hull, which will be men- “ tioned anon ;” the third, “ in sending an order to “ the Governor of Portsmouth, that nobody should “ be admitted into that town and fort, or suffered to “ pass from thence, or any thing to be disposed of “ there, but by order from the King signified by both “ Houses of Parliament.”

After this, a message was resolved upon to be sent to the Governor of the Prince, “ that he should not “ suffer the Prince to be transported out of the king- “ dom, as he would answer the breach of trust re- “ posed in him concerning religion, and the honour, “ safety, and peace of the three kingdoms ;” and they declared, “ that any person, who should persuade or “ attend upon him in such transportation, should be “ under the same censure.” With these high acts of public concernment they joined the vindication of themselves from the late trespasses : and to that end caused the Attorney General to be publicly examined upon interrogatories, “ whether he did contrive, The Commons ex-
amine the Attorney

General touching the impeachment of the five members. “ frame, or advise the articles of impeachment against the members that were accused ? whether he knew the truth of them upon his own knowledge, or by information ? whether he would undertake to make them good, when he should be thereunto called ? from whom he received them, and by whose direction or advice he did exhibit them ? whether he had any testimony or proof of them before the exhibiting ?” And having received his answer, “ that he had neither framed, nor advised them, nor knew any thing of the truth of them, nor could undertake to justify them ; but that he had received them from the King, and was by him commanded to exhibit them ;” they presently declared, “ that he had broken the privilege of Parliament in preferring those articles, and that the same was illegal, and he criminal for so doing ; and that a charge should be sent to the Lords, in the name of the House of Commons, against the Attorney General, to have satisfaction for the great scandal and injury to the members thereof, unless he did within five days bring in his proof, and make good the articles against them.”

So that they had now raised to themselves an unquestionable stock of security, when they had declared, “ that they might neither be apprehended by a warrant under the King’s own hand, nor accused by his Attorney General, except themselves were willing :” and they, who had concluded it most exactly just, that the House of Peers must imprison their own members, as fast as the Commons accused them of high treason, and, by that rule, had, within less than a week before, freed themselves of twelve Bishops, who always opposed their designs, (and in a case, where

every

They vote a charge against him. “ hibit them ;” they presently declared, “ that he had

every man's conscience absolved them of the guilt, of which they were charged), thought it now unanswerable reason to condemn the justice of the King's proceedings ; “ because if a man should be committed “ and imprisoned as soon as the King accused him of “ high treason, the Parliament might by consequence “ be dissolved ; since he might successively accuse the “ whole body ;” which logic, if they had not pleased to vote the contrary, would have run as well in their own case, upon their own licence of accusing, and more dangerously in respect of the House of Peers, which might possibly indeed have been thereby dissolved.

Though the King had removed himself out of the noise of Westminster, yet the effects of it followed him very close ; for besides the Buckinghamshire petitioners, who alarmed him the same, or the next day after he came to Hampton-Court, several of the same nature were every day presented to him, in the name of other counties of the kingdom ; all which were printed, and scattered abroad with the declaration of the Lord Digby's levying war at Kingston upon Thames, and the proclamation for apprehending him ; all which being so industriously dispersed, and without any colour, or ground of danger, but only that the kingdom might be inured to the style of the two Houses, and exercised in their commands against the time that they meant to be in earnest, gave the King reason to remove in few days from Hampton-^{The King removes to Windsor.} Court to his Castle at Windsor, where he could be more secure from any sudden popular attempt ; of which he had reason to be very apprehensive, when, after those high acts of sedition at London and Westminster were declared to be according to the laws of the land, and the protestation lately taken, that protestation

testation was by a new order enjoined to be administered throughout the kingdom, and the names of all those who refused to take it, which there was reason to believe many would upon their new glosses, returned to the House of Commons, who were as severe inquisitors as could be found any where.

Thence
fends a mes-
sage to both
Houses. From thence his Majesty sent a message to both Houses, " That he took notice, that his proceedings against those persons, whom he had accused, (naming them), were conceived by many to be illegal, and not agreeable to the privilege of Parliament ; and that he was so desirous to give satisfaction to all men in all matters that might seem to have relation to privilege of Parliament, that he would waive his former proceedings ; and all doubts being by that means settled, when the minds of men were composed, he would proceed against them in an unquestionable way ; and he assured both Houses, that upon all occasions he would be as careful of their privileges as of his life, or his crown. To which he added, that, in all his proceedings against those persons, he had never the least intention of violating the least privilege of Parliament ; and in case any doubt of breach of privilege remained, he would be willing to assert it by any reasonable way his Parliament should advise him to ; and therefore he desired them forthwith to lay by all jealousies, and apply themselves to the public and pressing affairs, and especially to those of Ireland, wherein the good of the kingdom, and the true religion, which should ever be his first care, were so highly and so nearly concerned. And he desired them, that his care of their privileges might increase their care of his lawful prerogative, which was so necessary to the

" the mutual defence of each other, and both would
 " be the foundation of a perpetual and perfect intelli-
 " gence between his Majesty and Parliaments, and of
 " the happiness and prosperity of his people."

But this message was not such as they looked for ; there seemed still to be left a time for prosecution ; and though the error in form seemed to be consented to, yet the substance and matter of the accusation might be still insisted on. And therefore they took no notice of it, but proceeded in inflaming all men with the sense of the breach of privilege ; and finding the general mettle somewhat to abate, that they might keep up the apprehension of danger, and the esteem of their darling the city, they consult about adjourning both Houses into London ; but finding some danger of infringing the act of Parliament, from whence some advantage might be taken to their prejudice, till that power might be cleared by a law, they were contented to adjourn their Houses as they had done for some days, and to appoint committees, qualified with more power than the Houses had, to meet in London ; which, for the convenience of the Common Council, who took up the Guildhall, chose to sit in Grocers' Hall.

It was wondered, that, having all places so much at their devotion, they would remove from their more convenient seats at Westminster ; where they might transact whatsoever they desired without interruption, and where they were only disturbed by their own direction. But the advantage they reaped by it was extraordinary ; for, besides the fears they dispersed abroad, and the confidence they gave their own friends of the city by being with them, they were sure, for the most part, to have a committee to their own

The Houses
appoint
committees
to fit in
Grocers'
Hall.

own hearts' desire ; since, besides many out of laziness or indignation would not attend the service in so inconvenient a place, very many, who troubled them most in their counsels, durst not in earnest go thither, for fear of uncomely affronts, if not danger, their names being published in the tumults as disaffected persons ; and they were those, indeed, which constituted the malignant party, which they prayed against : and they found it much easier to transact any thing contrived and framed by such a committee, than originally offered and debated in either House, before the mystery was understood by their proselytes, and when those, who too well understood it, did render their designs sometimes ineffectual.

The minds of men throughout the kingdom being now prepared to receive all their dictates with reverence, and to obey all their orders, and to believe that all their safety consisted in, and depended upon their authority, and there being few within the House, who had courage to oppose and contradict them, they sent to the Lords to quicken them in the bill they had formerly sent to them concerning removing the Bishops out of their House ; which now, when there were so many of them prisoners in the Tower, they presumed

The Commons go upon Saint John's bill of the militia, and pass it. would not meet with so great an opposition. In the House of Commons they called to have the bill read, which had lain so long there, the same that had been brought in by Saint-John for the settling the militia of the kingdom ; to which they now added "the putting all the forts, castles, and garrisons, into the hands of such persons as they could *confide in* ;" which was the expression they used, when they had a mind to remove any man from a place, of which he was justly possessed, "that they could not *confide in* him,

“ him, which they thought to be reason enough “ to displace any man.” When this bill had been with much ado accepted, and first read, there were few men who imagined it would ever receive further countenance: but now there were few, who did not believe it to be a very necessary provision for the peace and safety of the kingdom. So great an impression had the late proceedings made upon them; so that with little opposition it passed the Commons, and was sent up to the Lords.

Upon the disbanding the late army in the north, all the artillery, arms, and ammunition, that was provided for that service, had been by the King’s command sent to Hull, where it still remained; and his Majesty intended it should be kept there, for a magazine upon all occasions. And he had a little before these late passages sent the Earl of Newcastle thither, with a private commission, to be Governor thereof, as soon as it should be fit to publish such a command; and in the mean time by his own interest to draw in such of the country, as were necessary to guard the magazine. But nothing the King did in the most private manner, but was quickly known to those from whom it should most have been concealed. And so the Earl of Newcastle was no sooner gone, but notice was taken of it; and he had not been three days in Hull, before the House of Peers sent for him, to attend the service of that House, which he had rarely used to do, being for the most part at Richmond attending upon the Prince of Wales, whose governor he was. He made no haste to return upon the summons of the House, but sent to the King to know his pleasure; who, not thinking matters yet ripe enough to make any such declaration, appointed him to come away;

away ; upon which he appeared in the House, without being asked where he had been.

Both Houses move the King, that the magazine at Hull might be removed to the Tower.

They send both the Hothams to Hull.

But both Houses shortly after moved the King, “ that the magazine at Hull might be removed to the Tower of London, which would be very necessary for the quieting the minds of that country, and abating the fears and jealousies in the hearts of very many, who did apprehend some design in the keeping so much ammunition in the northern parts : ” and his Majesty not giving them a speedy answer, they sent down Sir John Hotham, whose estate lay within three or four miles of Hull, and he had some command of the Trained-bands, “ to be governor thereof, and to draw in such of the country as he thought fit for the place.” And though Hotham had concurred with them in all their violent ways, yet they well knew that he was not possessed with their principles in any degree, but was very well affected in his judgment to the government both in Church and State, but had been first engaged by his particular malice against the Earl of Strafford, and afterwards terrified by their votes against Sheriffs and Deputy Lieutenants ; and therefore they sent his son, a member likewise of the House, and in whom they more confided, to assist him in that service, or rather to be a spy upon his father. And this was the first essay they made of their sovereign power over the militia and the forts, whilst their bill was yet depending, and was a sufficient manifestation what they intended to do, when it should be passed ; towards which they made all the haste they could, exercising the King’s patience every day with some disagreeable message to him, upon their privileges, and requiring “ vindication, and reparation, and discovery of the persons

“ who

" who had promoted that prosecution." And though the council once a week attended upon his Majesty at Windsor, he could not freely consult with them upon what most concerned him.

In this sad condition was the King at Windsor, fallen in ten days from a height and greatness that his enemies feared, to such a lowness, that his own servants durst hardly avow the waiting on him. For though, 'tis true, the acts of the House of Commons, and the tumults, were as great affronts to Majesty, before this last act upon the members, as any that could be imagined possible to succeed, yet the House of Peers was then well disposed, and might have been managed with a little patience, to have blotted all the extravagances of the Commons. And the truth is, the greatest extravagances appeared to the standers-by to be but the attempts of persons in despair, and the struglings of men at the last gasp. And, without doubt, if the King could have had the patience to have sat still a spectator of the dissensions between the two Houses, and encouraging the Lords, who were firm to him, and putting those matters in issue, wherein the Commons had invaded both his and the Lords' privileges ; if he had commanded his Council at Law and the Judges, to have proceeded by the strict rules of the law against seditious persons at large, for preaching and printing against the peace of the kingdom, and put the Commons House either to have been quiet, whilst their champions were exemplarily punished, (which would have put a speedy end to their licence), or to have appeared the champions for an infamous act against the law and the justice of the kingdom, their jurisdiction would probably in a short time have been brought within the due limits, and the

the stoutest factor for the violent party been glad to have compounded for an act of oblivion.

And I have heard from credible persons, that the chief of that faction afterwards confessed, that if that extraordinary accident had not happened to give them new credit and reputation, they were sinking under the weight of the expectation of those whom they had deluded, and the envy of those whom they had oppressed. I am sure, they who out of conscience, and loyalty to their King and country, diligently attended the public service, were strangely surprised at the matter and manner of that accusation ; and foresaw, from the minute, the infinite disadvantage it would bring to the King's affairs. Not that they thought the gentlemen accused, less guilty ; for their extreme dishonest acts in the House were so visible, that nothing could have been laid to their charge incredible : but the going through with it was a matter of so great difficulty and concernment, that every circumstance ought to have been fully deliberated, and the several parts distributed into such hands, as would not have shaken in the execution. And the saying, that the King had not competent persons enough, whom he might trust in so important a secret, (which I believe was true), is rather an argument, that the thing was not to be attempted at all, than that it was to be attempted in that manner ; for whoever would have betrayed the trust, would be sure to find fault with it, when it was endeavoured without him, especially if it miscarried. The truth is, there was little reason to believe, that the House of Peers would commit the Lord Kimbolton upon the accusation of Mr. Attorney in that conjuncture of time ; and less that the House of Commons would deliver up their members

members to the Serjeant at Arms, when they should be demanded ; which was an irregular thing, and implied unreasonably, that they had some power to keep them, who were desired to deliver them. Yet if the choice had been better made, and the several persons first apprehended, and put into distinct close custodies, that neither any body else should have heard from them, nor they one from another, all which had not been very difficult, the high spirit of both Houses might possibly have been so dejected, that they might have been treated withal. But even that attempt had been too great for the solitary state the King was in at that time ; which was most naturally to have been improved by standing upon his guard, and denying all that was in his power to deny, and in compelling his ministers to execute the law in those cases, that demonstrably concerned the public peace.

The committee at Grocers' Hall, very much exalted to find no opposition in any thing they desired from both Houses, resolved to make what advantage they could of that season of their power ; and therefore, not vouchsafing to return any answer to the King's message of retraction, they concluded upon " a new remonstrance to be made of the state of the kingdom ; in which they would present to the King's view the causes of the present evils and distractions, and propose to him, by way of advice, the remedies that in their opinion he was to apply to those evils.

" The causes they agreed to be, the evil council about the King and Queen, disposing all occurrences of state, and abusing the King's authority and power to the prejudice of religion, the hazarding the public peace, and strengthening a malignant party in the kingdom ; the influence, which

The Committee at
Grocers' Hall design
a new remonstrance.

The matter they
prepared for it.

“ the Priests and Jesuits had upon the affections and
“ counsels of the Queen, and the admission of her
“ Majesty to intermeddle with the great affairs of
“ state, and with the disposing of places and prefer-
“ ments of the highest concernment in the kingdom ;
“ whereby those of great power and authority were
“ engaged to favour such designs, as were infused into
“ her Majesty by those of that religion : the want of
“ a due reformation of the Church-government, and
“ Liturgy then used ; the want of a preaching mini-
“ stry, and a competent maintenance for them ; the
“ over strict pressing of divers ceremonies in the Li-
“ turgy and Rubrick, and the pressing other ceremo-
“ nies not enjoined by law ; the votes of the Popish
“ Lords in the House of Peers, which was a hindrance
“ of the reformation, and a protection of the malig-
“ nant party ; the preferring such as had adhered to de-
“ linquents, and the displeasure shewed against those
“ who had been used as witnesses in the prosecution
“ of them ; the breaches of the privileges of Parlia-
“ ment ; and the managing the great affairs of the
“ realm in cabinet councils by men unknown, and
“ not publicly trusted ; the preferring men to degrees
“ of honour and offices, and displacing others, in Par-
“ liament time, and without the consent of that
“ council ; and many other particulars ; to which
“ they thought these remedies most natural, and
“ proper to be applied.

“ That all Privy Counsellors, and others of trust
“ and employment beyond the seas, should be re-
“ moved from their places, and only such admit-
“ ted, as should be recommended to the King by
“ both Houses of Parliament ; and that such counse-
“ lors and officers, as should be so displaced, and not
“ again recommended, should not have access to the
“ courts

“ courts of the King and Queen : that all Priests,
“ Papists, and ill affected persons, though professing
“ the Protestant religion, should be removed from the
“ Queen’s person, and from having any office or
“ employment under her, and that all her servants
“ should take such an oath as should be devised by
“ Parliament ; that he, or she, would not at any time,
“ directly or indirectly, by him, or herself, or any
“ other, move or petition, or solicit her Majesty in
“ any matter concerning the state and government of
“ the kingdom, or concerning any favour or immu-
“ nity to be conferred upon any Papists, or for any
“ honour, preferment, or employment of any person
“ whatsoever.

“ That the King would remove from about his
“ own person, and the Queen’s, and from both their
“ courts, Mr. William Murray, Mr. Porter, Mr.
“ John Winter, and Mr. William Crofts, being all
“ persons of evil fame, and disaffection to the public
“ peace and prosperity of the kingdom, and instru-
“ ments of jealousy and discontent between the King
“ and the Parliament : that the King would not en-
“ tertain any advice or mediation from the Queen in
“ matters of religion, or concerning the government
“ of any of his dominions, or for the placing or dis-
“ placing of any great officers, counsellors, ambassa-
“ dors, or agents beyond the seas, or any of his ser-
“ vants attending his royal person, either in his bed-
“ chamber, or privy-chamber, or attending the Prince,
“ or any of the royal issue after they shall attain to
“ the age of five years.

“ That the Queen should take a solemn oath, in
“ the presence of both Houses of Parliament, that she
“ would not hereafter give any counsel, or use any

“ mediation to the King, concerning the disposing of
“ any offices or places above mentioned, or at all in-
“ termeddle in any affairs of state, or government of
“ the kingdom: that all officers and counsellors, that
“ should be employed in any of the places before
“ mentioned, should take a solemn oath, that they
“ had not made use of any power or mediation of the
“ Queen, directly or indirectly, for their preferment,
“ or in obtaining any such place or employment: that
“ the affairs of the kingdom should not be concluded
“ or transacted by the advice of private men, or by
“ any unknown or unsworn counsellors, but such
“ matters as were fit for the Council, by the Privy
“ Counsellors only ; and such as were fit for the Par-
“ liament, by the Parliament only.

“ That no person whatsoever, under the penalty of
“ treason, should presume to solicit, or further any
“ proposition for the marriage of any of the King’s
“ children with any prince or person of the Popish
“ religion ; and that no marriage for any of the King’s
“ children should be concluded with any prince or
“ person whatsoever, without the consent and advice
“ of both Houses of Parliament: that none of the
“ King’s children, except the Princess Mary then af-
“ fanced, should at any time go beyond the seas
“ without the consent of both Houses of Parliament ;
“ and that no person under penalty of high treason
“ should assist, or attend any of his Majesty’s children
“ in any such voyage beyond the seas, without the
“ like consent of both the Houses of Parliament.

“ That no mass, or Popish service, should be said
“ in the courts of the King or Queen, or in the
“ house of any subject of the kingdom ; and that
“ more laws should be made against the Papists ; and
“ all

“ all the Priests which were condemned should be
“ forthwith executed. That the votes of Popish
“ lords might be taken away; and a reformation
“ made of the Church-government and Liturgy by the
“ Parliament; and that no penalty should be incurred
“ for omission of any ceremony, till the reformation
“ should be perfect: that all delinquents should be
“ subject to such penalties and forfeitures as should
“ be agreed on, and imposed by bill, in both Houses
“ of Parliament: that such as should be declared in
“ Parliament to adhere to any delinquents, and had
“ thereupon received any preferment from the King,
“ should be removed from such preferment; and
“ such as should be declared by both Houses to have
“ been employed and used against delinquents, and
“ had thereupon fallen into the King’s displeasure,
“ and been put from their places, should be restored
“ to their places, and his Majesty’s favour.

“ That every person, who, being a member of the
“ House of Commons in that Parliament, had been
“ accused of any offence against that House, and, the
“ accusation depending, had been called up to the
“ House of Lords in the quality of a Peer, should by
“ act of Parliament be put out of that House; and
“ that hereafter no member of the House of Com-
“ mons should without their consent be called up to
“ be a Peer, except in case of descent: that no per-
“ son, which should hereafter be made a Peer of the
“ realm, should be admitted to have his seat, or vote
“ in the House of Peers, without the consent of both
“ Houses of Parliament: that those members of the
“ House of Commons, who had this Parliament been
“ called to the House of Peers, except in case of de-
“ scent, should be excluded from giving their votes in

“ the House of Peers, unless both Houses of Parliament should assent thereunto : that no member of either House of Parliament should be preferred or displaced, sitting the Parliament, without the consent of that House, whereof he was a member : that such of either House as had been preferred to any place or office, during the Parliament, might be put out of those places.

“ That the King would declare the names of those who advised him to the accusation of the members, and all the particulars that ensued upon that accusation ; and that he would make public declaration and promise in Parliament, never more to receive information from any man to the prejudice of any member of either House, for any thing done in that House, without discovering the name of such person who gave him such information.”

These, and many other particulars of the like nature, were the results of that committee at Grocers' Hall ; which I insert here, being the proper time of their birth, that the world may see what their projections were in the infancy of their visible power and advantage, though they were not digested into avowed propositions till long after, as the effects of riper divisions, and fuller grown jealousies. For by that time they had shaped and framed these devices, they found the eyes of the people not so universally shut as they had been ; and that the King's coming to the House of Commons, or the accusing the members, was not more spoken of than the tumults, and the driving the King out of London, and not suffering him to be quiet at Hampton-Court. Then the Lords begun to take new courage, and though they were somewhat intoxicated with the fears and jealousies concerning their privileges,

leges, yet they thought trespasses of that kind capable of reparation, and so were willing to receive any overture from the King to that purpose. It was concluded therefore, “the time was not yet ripe to do all at “once, till more men were engaged,” and resolved, “with more patience to win their ground by inches.”

The King continued at Windsor to expect the end, or the issue of this tempest; and finding that they hardly would take notice of his former messages, but proceeded in the highways of destruction, for he had advertisement of their most secret combinations, resolved to send such a message to the two Houses, whose united reputation was yet too great to struggle with, as might at least divide those, who desired the public peace, from the ministers of confusion: and so on the twentieth of January sent this proposition and message to them in writing, “for preventing those evils, The King's proposition and message to both Houses, Jan. 20. “which the manifold distractions threatened to the kingdom; that they would with all speed fall into “a serious consideration of all those particulars, which “they held necessary, as well for the upholding and “maintaining the King's just and legal authority, and “the settling his revenue, as for the present and future establishment of their privileges, the free and quiet enjoying of their estates and fortunes, the liberties of their persons, the security of the true religion now professed in the Church of England, and “the settling of ceremonies in such a manner, as “might take away all just offence; which when they “should have digested, and composed into one entire body, that so his Majesty and themselves might be “able to make the more clear judgment of them, it “should then appear, by what his Majesty would do,

“ how far he had been from intending or designing
 “ any of those things, which the too great fears and
 “ jealousies of some persons seemed to apprehend ;
 “ and how ready he would be to equal and exceed the
 “ greatest examples of the most indulgent princes in
 “ their acts of grace and favour to their people ; so
 “ that, if all the present distractions, which so appa-
 “ rently threatened the ruin of the kingdom, did not,
 “ by the blessing of Almighty God, end in a happy
 “ and blessed accommodation, his Majesty would then
 “ be ready to call heaven and earth, God and man, to
 “ witness, that it had not failed on his part.”

This message was received by the Lords with great signs of joy, insomuch that they desired the Commons to join with them in returning their thanks to his Majesty for his gracious offers, and to assure him,

Both Houses pe-
tition the King about
the accused members.

“ that they would forthwith apply themselves to those considerations, he proposed.” However the next day they joined together in a petition to the King, “ that he would, in very few days, send in his proofs, “ and proceed against the members he had accused “ of high treason, or declare them to be innocent, and “ himself to be ill advised :” to the which he answered, His Majes-
ty's answer. “ that he was ready to proceed against them ; but, that “ there might be no new mistakes in the way, and “ form of the proceedings, he desired, that it might “ be first resolved, whether his Majesty were bound in “ respect of privileges to proceed against them by im- “ peachment in Parliament, or whether he were at “ liberty to prefer an indictment at common law in “ the usual way, or whether he had his choice of ei- “ ther : before that was resolved, his Majesty thought “ it unusual and unfit to discover what proof he had “ against

“ against them ; but then he would give such speedy direction for prosecution, as might put a determination to the business.”

This gave them new offence and trouble ; and if the King’s Council had had the courage to have insisted upon the matter of law, and the Lords would have given them reasonable countenance, they would have been much puzzled to have procured a resolution, that would have served their purposes to all parts, and been content to have suspended their judgment, that so the King might have suspended his prosecution. For if the Judges had been called to deliver their opinions in point of law, which they ought to have been, they could not have avoided the declaring, that by the known law, which had been confessed in all times and ages, no privilege of Parliament could extend in the case of treason ; but that every Parliament-man was then in the condition of every other subject, and to be proceeded against accordingly. In the next place, as they would never have ventured themselves upon the House of Peers under an impeachment, and thereby made them their Judges, which indeed was incongruous, every subject being to be tried for his life *per pares, vel per legem terræ*, to both which the Lords and the impeachment were directly opposite ; so they would less have trusted an indictment at law, and a well chosen sober jury, who had been bound to follow their evidence of fact, and were not judges of the law, which was severe in any conspiracy against the crown, or the persons of King or Queen.

But having shut the doors against any mention of law, they made no scruple of resolving, and answering his Majesty, “ that they were first to see the evidence he had to prove the guilt, before they could
“ give

“ give any direction for the manner of the prosecution, and proceeding ;” which they grounded upon a maxim, they had but lately established, though never till then heard of ; “ that no member of Parliament, for what offence soever, could be arrested, or proceeded against, but by the consent of that House, of which he was a member ; and then, they said, “ they could not give or deny their consent by any other measure than the knowledge of the crime and proof, upon which such member stood accused.” Which conclusion had been reasonable, had the premises been just ; whereas the argument was to be inverted, that their consent was not to be asked, because they had no cognizance of the crime, of which their members were accused, nor were judges whether their accusation were valid in law, or sufficiently proved in fact.

Observations touching privilege of Parliament.

It is not to be believed how many sober, well-minded men, who were real lovers of the peace of the kingdom, and had a full submission and reverence to the known laws, were imposed upon, and had their understandings confounded, and so their wills perverted, by the mere mention of privilege of Parliament ; which, instead of the plain and intelligible notion of it, was, by the dexterity of those boutefeu, and their under-agents of the law, and the supine softishness of the people, rendered such a mystery, as could be only explained by themselves, and extended as far as they found necessary for their occasions, and was to be acknowledged a good reason for any thing that no other reason could be given for. “ We are,” say they, “ and have been always confessed, the only judges of our own privileges ; and therefore whatsoever we declare to be our privilege, is such : other wise whosoever determines that it is not so, makes himself

" himself judge of that, whereof the cognizance only belongs to us." And this sophistical riddle perplexed many, who, notwithstanding the desperate consequence they saw must result from such logic, taking the first proposition for true, which, being rightly understood, is so, have not been able to wind themselves out of the labyrinth of the conclusion : I say the proposition rightly understood : they are the only judges of their own privileges, that is, upon the breach of those privileges, which the law hath declared to be their own, and what punishment is to be inflicted upon such breach. But there can be no privilege, of which the law doth not take notice, and which is not pleadable by, and at law.

The truth and clearness of this will best appear by instance : If I am arrested by process out of any court, I am to plead in the court, that I am a member of Parliament, and that, by the privilege of Parliament, my person ought to be free from arrests. Upon this plea the Judge is bound to discharge me ; and if he does not, he is a criminal, as for any other trespass against the law : but the punishing the person, who hath made this infringement, is not within his power, but proper to that jurisdiction, against which the contempt is ; therefore that House, of which I am a member, upon complaint made of such an arrest, usually sends for the persons culpable, the party at whose suit the arrest is made, and the officers which executed it, and commits them to prison, till they make acknowledgment of their offence. But that House never sends, at least never did till this Parliament, any order to the court, out of which the process issued, to stay the proceedings at law, because the privilege ought to be legally pleaded. So, after the dissolution

solution of Parliament, if I am arrested within the days of privilege, upon any plea of privilege the court discharges me; but then the party that arrests me escapes punishment till the next Parliament, the Judge having no more power to commit the man that sued or arrested me, than he hath to imprison a man for bringing an action at law, when he hath no good title; neither is he judge of the contempt.

Again: If a man brings an information, or an action of the case, for words spoken by me, and I plead, that the words were spoken by me in Parliament, when I was a member there; and that it is against the privilege of Parliament, that I should be impleaded in any other place, for the words I spoke there; I ought to be discharged from this action or information, because this privilege is known, and pleadable at law: but that Judge can neither punish, nor examine the breach of privilege, nor censure the contempt. And this is the true and proper meaning of the old received axiom, that they are judges only of their own privileges.

And indeed these two, of freedom from arrests for their persons, (which originally hath not been of that latitude to make a Parliament a sanctuary for bankrupts, where any person outlawed hath been declared incapable of being returned thither a member), and of liberty of speech, were accounted their chiefest privileges of Parliament: for their other, of access to the King, and correspondence by conference with the Lords, are rather of the essence of their councils, than privileges belonging to them. But that their being judges of their privileges should qualify them to make new privileges, or that their judgment should create them such, as it was a doctrine never before . now

now heard of, so it could not but produce all those monstrous effects we have seen ; when they have assumed to swallow all the rights and prerogatives of the Crown, the liberties and lands of the Church, the power and jurisdiction of the Peers, in a word, the religion, laws, and liberties of England, in the bottomless and insatiable gulph of their own privileges. And no doubt these invasions, on pretence of privilege, will hereafter be judged to have been the most unparalleled and capital breach of those privileges, that had ever yet been attempted.

In the address, which the House of Commons prepared for acknowledgment of the King's grace and favour in his message of the twentieth of January, they had desired, " that for a ground of their confidence, and removal of jealousies, that they might apply themselves to give his Majesty satisfaction in the method he proposed, his Majesty would presently put the Tower of London into the hands of such a person, as both Houses should recommend to him :" in which the Lords differed with them ; as well for that the disposal of the custody thereof was the King's peculiar right and prerogative, as likewise that his Majesty had committed the charge thereof to Sir John Byron, a person of a very ancient family, an honourable extraction, and good fortune, and as unblemished a reputation as any gentleman of England. The Commons, much troubled that the Lords should again take the courage to dissent from them in anything, resolved to press the King upon their own score, and to get the recommendation of so great an officer to themselves.

And therefore on the six and twentieth day of January, they sent a petition to him in the name of the Knights,

The Lords
and Com-
mons differ
about ad-
dressing for
removing
Sir John
Byron from
the Tower.

The Commons by themselves petition the King to do it, and to put all the other forts, and the militia, into the hands of confiding men.

Knights, Citizens, and Burgeesses, of the Commons House assembled in Parliament; in which they took notice “ of the gracious message from his Majesty of the twentieth instant, for which they returned most humble thanks, resolving to take it into speedy and serious consideration ; and said, to enable them with security to discharge their duties therein, they had desired the House of Peers to join with them in humbly beseeching his Majesty to raise up unto them a sure ground of safety and confidence, by putting the Tower, and other principal forts of the kingdom, and the whole militia thereof, into the hands of such persons as his Parliament might confide in, and as should be recommended unto him by both Houses of Parliament ; that, all fears and jealousies being laid aside, they might with cheerfulness proceed to such resolutions, as they hoped would lay a sure foundation of honour, greatness, and glory to his Majesty, and his royal posterity, and of happiness and prosperity unto his subjects, throughout all his dominions ; wherein the House of Peers had refused to join with them. But they, notwithstanding, no way discouraged, but confiding in his Majesty’s goodness to his people, did therefore make their humble address to him to beseech him, that the Tower of London, and other principal forts, and the whole militia of the kingdom, might be put into the hands of such persons as should be recommended to him by the House of Commons ; not doubting but they should receive a gracious and speedy answer to that their humble desire, without which, in all human reason, the great distractions of the kingdom must needs overwhelm it with misery and ruin.”

The King was not troubled at the receipt of this petition, glad that, since they could not be brought to such a degree of reasonableness, as might make up all breaches, they would be so peremptorily unreasonable as might probably sever those from them, who were not so desperate as themselves ; and he hoped, that when the people should observe that this grasping of the militia of the kingdom into their own hands, as an expedient for the composing their high-grown fears and jealousies, was no more than they desired the summer before, when Sir Arthur Haslerig brought in his bill into the House of Commons, which is before remembered, when that title of fears and jealousies was not discovered ; and when the Peers should observe, that the House of Commons insolently demanded, by their own single suffrage, the deputing men to places of that vast importance, they would both conclude, that those immodest askers were not only fit to be denied, but reformed : yet believing that real and just fears might grow up, to discountenance and suppress those imaginary ones, his Majesty vouchsafed a very soft and gentle answer to that petition ; and told them, “ that he hoped his His Majes-ty's answr. gracious mesflage would have produced some such overture, as, by offering what was fit on their parts to do, and by asking what was proper for him to grant, might have begot a mutual confidence in each other. Concerning the Tower of London, that he did not expect, having preferred a person of a known fortune, and unquestionable reputation, to that trust, that he should have been pressed to remove him without any particular charge objected against him : however, that if, upon due examination, any particular should be presented to him, whereby it

“ it might appear he was mistaken in his good opinion of that gentleman, and that he was unfit for “ the trust committed to him, he would make no “ scruple of discharging him ; otherwise, he was “ obliged, in justice to himself, to preserve his own “ work, lest his favour and good opinion might prove “ a disadvantage and misfortune to his servants, without any other accusation ; of which he hoped his “ House of Commons would be so tender, as of a “ busines, wherein his honour was much concerned, “ as, if they found no material exceptions against “ that person, they would rather endeavour to satisfy “ and reform the fears of other men, than, by complying with them, press his Majesty to any thing, “ which did so much reflect upon his honour and “ justice.

“ For the forts and castles of the kingdom, that he “ was resolved they should always be in such hands, “ and only in such, as the Parliament might safely “ confide in ; but the nomination of any persons to “ those places, being so principal and inseparable a “ flower of his Crown, vested in him, and derived to “ him from his ancestors by the fundamental laws of “ the kingdom, he would reserve to himself ; in bestowing whereof, as he would take care that no corrupt or sinister courses should prevail with him, so he was willing to declare, that he should not be induced to express that favour so soon to any persons, “ as to those whose good demeanour should be eminent in, or to his Parliament. And if he then had, or should at any time, by misinformation, confer such a trust upon an undeserving person, he was, and would always be, ready to leave him to the wisdom and justice of the Parliament.

“ For

“ For the militia of the kingdom, which by the
“ law was subject to no command but of his Majesty,
“ and of authority lawfully derived from him, he said,
“ ~~when any~~ particular course for ordering the same
“ should be considered, and digested, and proposed to
“ him, he would return such an answer as should be
“ agreeable to his honour, and the safety of his peo-
“ ple, he being resolved only to deny those things,
“ the granting whereof would alter the fundamental
“ laws, and endanger the very foundation, upon which
“ the public happiness and welfare of his people was
“ founded and constituted, and which would nourish
“ a greater and more destructive jealousy between the
“ Crown and the subject, than any of those, which
“ would seem to be taken away by such a satisfaction.

“ He said, he was not willing to doubt, that his
“ having granted more than ever King had granted,
“ would persuade them to ask more than ever subjects
“ had asked: but if they should acquaint him with
“ the particular grounds of their doubts and their
“ fears, he would very willingly apply remedies pro-
“ portionable to those fears; for he called God to
“ witness, that the preservation of the public peace,
“ the law, and the liberty of the subject, was, and
“ should always be, as much his care as his own life,
“ or the lives of his dearest children.

“ And therefore he did conjure them by all the
“ acts of favour they had received from him this Par-
“ liament, by their hopes of future happiness in his
“ Majesty, and in one another, by their love of reli-
“ gion, and the peace of the kingdom, in which, he
“ said, that of Ireland was included, that they would
“ not be transported by jealousies, and apprehensions
“ of possible dangers, to put themselves, or his Ma-
“ jesty,

“ jesty, into real and present inconveniences ; but
“ that they would speedily pursue the way proprieid
“ by his former mesflage, which, in human reason, was
“ the only way to compose the distractiōns of the
“ kingdom, and, with God’s blesſing, would restore a
“ great measure of felicity to King and people.”

This answer being not only a denial, but such an expostulation as would render their counsels of less reverence to the people, if upon those reasons they should recede from what they had with that confidence, and disdain of the House of Peers, demanded of the King ; they therefore resolved to set up their rest upon that stake, and to go through with it, or perish in the attempt. And, to this purpose, they again muster up their friends in the city, and send their emissaries abroad, to teach the people a new language. All petitions must now desire, “ that the kingdom might be put into a posture of defence, and nothing else would serve to defend them from the many plots and conspiracies against them, or secure them from their own fears and jealousies.” More petitions were presented to the House of Commons by some citizens of London, in the name of those merchants, that usually traded to the Mint with bullion ; who pretended “ that their fears and jealousies were so great, that they durst not carry their bullion to the Tower, being not satisfied with the present Lieutenant there ; and therefore desired that he might be removed ;” and more to the like purpose.

They had wholly undertaken the managing of the war in Ireland, and really, for many reasons, neither did use, nor desired to use, any great expedition in that work ; yet having with great industry infused into the minds of the people at least a suspicion that

the

the Court favoured that rebellion, they always made use of the flowness in those proceedings to the King's disadvantage. About that time, they had desired the ~~City to furnish~~ The Commons desire to borrow money of the City. one hundred thousand pounds, for the levying and accommodating forces to be sent into that kingdom, which gave the Common Council, where such loans were always transacted, opportunity to return their opinions, and advice upon the general state of affairs. They said, "they could lend no more money by reason of those obstructions, which threatened the peace of this kingdom, and had already rendered it even desperate: that the not passing the bill against pressing of soldiers, which still depended with the Lords, upon those reasons formerly mentioned at large, put many men into fears, that there was some design rather to lose that kingdom, and to consume this in the loss of it, than to preserve either the one, or the other; and that the rebels were grown so strong there, that they made account speedily to extirpate the British nation in that kingdom; and that they intended then, as they already bragged, to come over, and make this the seat of the war.

" That the not putting the forts into such hands, in whom the Parliament might confide, the not settling the kingdom in a posture of defence, the not removing the present Lieutenant of the Tower, and putting such a person into that place, as might be well approved by the Parliament, could not but overthrow trading more and more, and make monies yet more scarce in the city and kingdom. That the misunderstanding between the King and Parliament, the not vindicating the privileges thereof, the charging some members of treason to the de-

“ terring of others from discharging their duties, and
“ to the destroying the very being of Parliaments, did
“ exceedingly fill the minds of men well affected to
“ the public, with many fears and discouragements ;
“ and so disable them from yielding that’ cheerful as-
“ fistance, which they would be glad ‘S afford. That
“ by this means there was such a decay of trading,
“ and such scarcity of money, neither of which could
“ be cured, till the former evils were removed, as it was
“ like, in very short time, to cast innumerable multi-
“ tudes of poor artificers into such a depth of poverty
“ and extremity, as might enforce them upon some
“ dangerous and desperate attempts, not fit to be ex-
“ pressed, much less to be justified ; which they left to
“ the House speedily to consider, and prevent. These
“ evils, under which they did exceedingly labour and
“ languish, they said, did spring from the employing
“ of ill affected persons in places of trust and honour
“ in the State, and near to the person of the King ;
“ and that they were still continued by means of the
“ votes of Bishops, and Popish Lords, in the House of
“ Peers. And so having faithfully represented, they
“ said, the true reas ons, which really enforced them
“ to return that answer, they craved leave to protest
“ before God and the High Court of Parliament, that
“ if any further miseries befel their dear brethren in
“ Ireland, or if any mischief should break in upon
“ this kingdom, to the endangering or disturbing the
“ peace thereof, it ought not to be imputed to them,
“ but only to such, who should endeavour to hinder
“ the effectual and speedy cure of those evils before
“ recited, which did so much disable and discourage
“ them from doing that which the House had desired
“ of them.”

At the same time were presented other petitions, ^{Petitions likewise from several counties concerning the militia,} subscribed by many thousand hands, and in the names of the Knights, Gentlemen, and Freeholders, and other inhabitants, of the counties of Middlesex, Essex, and Hertford ; all which severally inveighed against the malignant party, which rendered the good endeavours of the House of Commons fruitless ; “ de-“ fired that the votes of the Bishops, and Popish Lords, “ might be taken out of the House of Peers ; that “ they might be put into a posture of defence, and the “ forts, and castles of the kingdom, into such hands “ as the Parliament might confide in ; that so Ireland “ might be relieved, and this kingdom made happy : “ one of them adding, that the malignant party of “ Prelates and Papists, and their adherents, were in-“ consistent with the happy success of the Parliament.” These petitions, and the answer of the Common Council of London, were thought ample materials for a conference with the Lords, who might be thereby remembered of their duty ; and to that purpose Mr. Pym delivered them at a conference, and after they were read, told them, “ that their Lordships might in “ those petitions hear the voice, or rather the cry of ^{Mr. Pym delivers the petitions to the Lords at a conference.} all England ; and that they were not to wonder if “ the urgency, the extremity of the condition we were “ all in, did produce some earnestness and vehemency “ of expression more than ordinary ; the agony, ter-“ ror, and perplexity, in which the kingdom laboured, “ was universal, all parts were affected with it ; and “ therefore in those petitions they might observe the “ groans and miserable complaints of all.” After a long discourse of the great and notorious dangers the kingdom was in, by invasions threatened from abroad, and insurrections from within, he told them, “ the “ ob-

“ obstructions, that had brought them into that dis-
“ temper, were principally the obstruction of refor~~mation~~
“ tion in matters of religion ; and that there was
“ never church or state afflicted with more grievances
“ of that kind, than we had been ; and that though
“ they were partly eased and diminished by the wis-
“ dom of the Parliament, yet many still remained ;
“ and as long as the Bishops, and the corrupt part of
“ the Clergy, continued in their power, there would
“ be little hope of freedom, either from the sense of
“ those that continued, or the fear of those which
“ were removed. And of that obstruction, he said,
“ he must clear the Commons, who were in no part
“ guilty of it. Some good bills they had already
“ passed, and others were in preparation, and might
“ have been passed before that time, if they had not
“ found such ill success in the other House : what-
“ soever mischief that obstruction should produce,
“ they were free from it ; they might have their part
“ of the misery, they could have none in the guilt or
“ dishonour ”

He told them, “ there was great obstruction in
“ trade, which brought food and nourishment to the
“ kingdom ; and then having enlarged himself with
“ enumeration of the notable benefits the kingdom
“ received by the fulness of trade, he said, he must
“ protest, the House of Commons had given no cause
“ to that obstruction : they had eased trade of many
“ burthens, and heavy taxes, and had freed it from
“ many hard restraints by patents and monopolies ; they
“ had sought to put the merchants into security and
“ confidence in respect of the Tower of London, that
“ so they might be invited to bring in their bullion
“ to the Mint, as heretofore they had done ; they
“ were

" were no way guilty of the troubles, the fears, and
 " ~~public~~ dangers, which made men withdraw their
 " stocks, and keep their money by them, to be ready
 " ~~for such~~ sudden exigents, as, in those great distract-
 " tions, they had too great cause to expect.

" There was an obstruction, he said, in the relief of
 " Ireland ; but he must declare the Commons were al-
 " together innocent of any negle&t therein ; they had
 " agreed to the levies of men and money, and, from time
 " to time, done all for the furtherance thereof, though
 " in the midst of many distractions and diversions ;
 " but the want of commissions for levying men, that
 " was the bill about pressing, and divers other impe-
 " diments, had been the causes of that obstruction.
 " Nay, he said, he did not only find impediments to
 " themselves, but encouragement to the rebels ; for
 " many of the chief commanders now in the head of
 " the rebels, after both Houses had stopped the ports
 " against all Irish Papists, had been suffered to pass, by
 " his Majesty's immediate warrants, much to the dis-
 " couragement of the Lords Justices and Council
 " there, which were procured by some evil instruments
 " too near his Royal Person, and, they believed, with-
 " out his knowledge and intention."

He said, " there was an obstruction in providing
 " for the defence of the kingdom, that they might be
 " enabled to resist a foreign enemy, and to suppress
 " all civil insurrections : what endeavour they had used
 " to remove them, but hitherto without that success
 " and concurrence which they expected, and where
 " their stop had been, and upon what grounds they
 " might proclaim their own innocence and faithul-
 " ness in that particular, they desired no other wit-
 " nesses but their Lordships."

He told them, “the evil influences, which had caused that distemper, were the evil councils about the King, the great power, that a factious and interested party had in Parliament by the ~~continuance~~ of the votes of the Bishops, and Popish Lords, in their Lordships’ House, and the taking in of others out of the House of Commons, and otherwise to increase their strength, the fomenting a malignant party throughout the kingdom, the jealousies between the King and his Parliament.” And after many bitter and seditious expressions of the Court, and of all those who were not of his mind, he concluded, “that he had nothing to propose to their Lordships by way of request or desire from the House of Commons; he doubted not, but their judgments would tell them what was to be done; their consciences, their honours, their interests, would call upon them for the doing of it. The Commons would be glad to have their help and concurrence in saving the kingdom; but if their Lordships should fail, it should not dis courage them in doing their duty; and whether the kingdom be lost, or saved, they should be sorry, that the story of this present Parliament should tell posterity, that, in so great danger and extremity, the House of Commons should be enforced to save the kingdom alone, and that the House of Peers should have no part in the honour of the preservation of it, they having so great an interest in the good success of those endeavours, in respect of their great estates, and high degrees of nobility.”

As soon as this conference was ended, the Speaker of the House of Commons was appointed to give Mr. Pym solemn thanks for his so well performing that service, and to require him to deliver his speech in

writ-

writing into the House, that it might be printed; which was done accordingly, to the end that the people might understand, besides those reproaches upon the King, how negligent the House of Peers were of their welfare and security.

The same day and hour after that conference, a great number of people, in the name of the inhabitants of the county of Hertford, presented a petition to the House of Peers; in which, amongst other particulars, "they complained of the delay of putting the kingdom into a posture of war for their better defence, "and the want of compliance by that honourable House with the House of Commons in entertaining those many good motions, and passing those necessary bills presented to them from that House for the common good. And therefore they desired them, "for the better removing of all the causes and springs of their fears and troubles, that the evil counsellors, and others hindering the public good, might be taken from his Majesty, and the voting of the Bishops, and Popish Lords, to be removed out of that honourable House: and that the petitioners, who "would be ever ready to hazard their lives and estates "for the defence of the King and Parliament, the privileges of the same, and in special those noble Lords and Gentlemen in both Houses, whose endeavours were for the public good, might have liberty to protest against all those, as enemies to the kingdom, who refused to join with those honourable Lords and the House of Commons, for the putting the kingdom into a way of safety, under the command of such persons, as the Parliament should appoint." But neither this, nor any of the other proceedings were resented by the House of Peers, though

though their privileges were not only invaded, but the very freedom and liberty of Parliament absolutely taken away and destroyed thereby.

When the House of Commons found that none of these extraordinary ways would thoroughly subdue the House of Lords, but that, though they had very sturdy champions there, the major part, albeit the Bishops and all the recusant Lords were driven from thence, still opposed them, whereby neither the bill for the taking away the Bishops' votes, nor about pressing, could pass, and that they peremptorily still refused to join in the business of the militia ; they found a new way, as unpractised and as unnatural as any of the former, whereby they would be sure to have an influence upon the House of Peers. It is an old custom, and privilege of that House, that upon any solemn debate, whosoever is not satisfied with the conclusion and judgment of the House, may demand leave to enter his protestation, which must be granted. The original of this was in jealous times, when men desired, for avoiding the ill consequence of any act there, that their dissents might appear ; and was very seldom practised, but when they conceived religion, or the Crown, trenched upon ; insomuch as you shall not find, in the Journals of many Parliaments, one protestation entered ; and when there was any, there is no more in the records, than, after the resolution of the House is entered, " that such a Lord desired that his protestation or dissent might be entered ;" and oftentimes when several have dissentient from the general opinion, not above one or two have entered their protestation. But since this Parliament, as they altered this custom from cases of high concernment to the most trivial debates, the minor part ordinarily enter-
ing,

ing their protestation, to the end that their opinions might be taken notice of, and who were opposite to them; whereby the good and bad Lords were known and published; so they altered the form, and, instead of short general entries, caused the matter of debate to be summed up, and thereupon their protestation, "that they were not to be answerable for any inconveniences or mischiefs, that should befall the commonwealth by reason of this or that resolution." So that from an act, for the particular indemnity of the person that made it, it grew sometimes to be a reproaching and arraigning the sense of the House by any factious number that disagreed. Then, because the House of Peers is a court of record, they concluded, "that any man upon any occasion might peruse the Journals;" and so every night the House of Commons could see how the debates had been managed and carried all the day, and take public notice, and make use of it accordingly, which they could not do of those discourses they received from their confidents; for supplying whereof this unjustifiable method was found out. For though it is a court of record, the highest court, and the acts and judgments of Parliament are records, to which the subject may upon all occasions resort, yet they ought not to make use of that liberty in order to question any words spoken, or acts done, and remembered there; of which if the Lords are not the only judges, their privileges are much less than the Commons in truth have, and may justly claim.

It happened, about this time, that upon some overture in the Lords' House, which pleased them not, the violent party there, in a disorderly manner, cried out, *Adjourn, adjourn*, being not willing the matter should

should then come into debate ; others were not willing that the House should adjourn. The Duke of Richmond, troubled at that tumultuary and ~~immediate~~ proceeding, said, without directing himself to the Speaker, “ if they would adjourn, he wished it might “ be for six months,” or words to that effect ; upon which some of the other party immediately moved, “ that the House might not rise, and that the Duke “ would explain himself, and answer the making such “ a motion, as, being granted, would be destructive “ to the commonwealth.” The Duke said, “ he “ made no motion, but used that expression, to shew “ his dislike of the other motion to adjourn at that “ time, when there was busines in agitation of great “ concernment ; and that, when he spoke, all men “ being upon their feet, and out of their places, he “ conceived the House had been up.” Upon this he was required to withdraw ; and then they, who had long looked upon him with great envy and animosity, as the only great person, and officer at Court, who had discountenanced their power, and their stratagems, and had with notable courage always opposed their extravagances, and servile complying with the House of Commons, and submitting to the tumults, and had with singular constancy preserved his duty and fidelity to his Majesty unviolated, inveighed against that motion, “ as of too serious a nature to be “ made a jest of, and fit to be censured as most per-“ nicious to this kingdom, and destructive to Ireland ; “ the war whereof could not proceed, if the Parlia-“ ment should have been adjourned for six months, “ as his Lordship had proposed.”

On the other side, it was alleged, “ that the motion had never been made to the House ; and there-
“ fore

" fore they ought no more to question, or take notice
" of it, than of every light or frolic discourse or ex-
" pression, that negligently or casually fell from any
" man ; which would take away all liberty of conver-
" sation. However, that if it had been seriously and
" formally made, it could be no crime, it being the
" necessary liberty and privilege of every member,
" to make any motion he thought in his judgment fit,
" which the House would approve, or reject, as it
" found reasonable. And that, since it was as much in
" the House's power to adjourn for six months, as for
" six days, it was as lawful to move the one as the
" other ; of which there could not be the least incon-
" venience, because the House would be sure to re-
" ject it, if it were not found proper." After a very
fierce and eager debate, in which much bitterness
and virulence was expressed, it was resolved by the
major part, " that the Duke had committed no of-
" fence ;" and so he was as regularly absolved as was
possible. Hereupon the Earls of Northumberland,
Pembroke, Essex, and Holland, who thought the
Duke's affection and duty to his Master a reproach,
and his interest prejudicial to them, with the rest of
that party entered their protestation ; " that whereas
" such a motion had been made by the Duke of
" Richmond, and upon being questioned for the same,
" he had been acquitted by the major part, they were
" free from the mischiefs or inconveniences, which
" might attend the not punishing of an offence tend-
" ing so much to the prejudice of King or kingdom."

This protestation, by the advice of that night's
meeting, was, the next day, taken notice of in the
House of Commons, and the matter itself of the mo-
tion enlarged upon, by all possible and rhetorical ag-
gravations,

gravations, concerning the person, and his interests, according to the licence of that House, and that people. It was said, "here was an evil counsellor; that "had discovered himself, and no doubt had been "the author of many of those evil counsels, which "had brought that trouble upon us; that he had received his education in Spain, and had been made a Grandee of that kingdom, and had been ever since notoriously of that faction; that his sisters were Papists, and therefore his affection was to be questioned in religion; that, from the beginning of this Parliament, he had been opposite to all their proceedings, and was an enemy to reformation; that he had vehemently opposed the attainder of the Earl of Strafford; was a friend to Bish[ops]; and now, to prevent any possibility of reformation, which could not be effected without the concurrence of the two Houses, had desperately moved in the House of Peers, where he had a great faction, that it would adjourn for six months; in which time the malignant party, of which he might well be thought the head, and had the greatest influence upon the King's affections, would prevail so far, that all future hopes would be rendered desperate, and the kingdom of Ireland be utterly lost, and possessed by the Papists: that they were therefore to take this opportunity, which God had given them, to remove so malignant and dangerous a person from the King, and one so suspected, from so important a charge as the Cinque Ports, of which the Duke was Lord Warden, and to send to the Lords to join with them in a desire to the King to that purpose."

On the other side, it was objected, that "whilst they were so solicitous for their own privileges, and sensible

“ sensible of the breach and violation of them, they
“ could not more justify those, who had been the ad-
“ viders of such breaches, than by offering the like
“ trespass to the privileges of the Peers: that the life
“ of that council depended on the liberty of speech;
“ and where there were so different minds, there must
“ be different expressions; and if one House might
“ take notice what the other House said, or did,
“ within those walls, the Lords would as well question
“ their members, as they did now one of the Lords;
“ which would take away all freedom of debate: that
“ they could not examine the circumstances, which
“ attended that motion, if any such was made; and
“ therefore could not so much as, in their private un-
“ derstandings, make a reasonable judgment of it, but
“ that they were naturally to presume the circum-
“ stances were such, as took away the offence of the
“ motion; for that the major part of that House,
“ where the words were spoken, and at the time, when
“ they were spoken, had, upon solemn debate, con-
“ cluded, that there was no crime in them; and that
“ they were not only the proper, but the only judges
“ in that case: and if the Commons should intermeddle
“ therewith, it was no otherwise, than, by the strength
“ of the major part of the House of Commons, to make
“ the minor part of Lords superior to the major part of
“ that House; which they would not suffer to be of-
“ fered to themselves.”

It was alleged, “ That the Duke was a person of
“ great honour and integrity, and of so unblemished
“ a fame, that in all the discovery of the Court-of-
“ fences, there was not any reflection upon him. That
“ his education had been, according to the best rules
“ or the greatest persons, for some years beyond the
“ feas

“ feas ; and that, having spent more time in France
“ and Italy, he visited Spain ; where his great quality
“ being known, and no question as a compliment to
“ this kingdom, with which it was then in strait al-
“ liance and confederacy, that King had conferred
“ the honour of Grandee upon him ; which was of no
“ other advantage or signification to him, than to be
“ covered in the presence of that King, as the prin-
“ cipal subjects there are. That his affection to the
“ Protestant religion was unquestionable, and very
“ eminent ; and though his sisters, who had been
“ bred under their mother, were Roman Catholics,
“ yet his brothers, of whose education he had taken
“ the sole care, were very good Protestants.

“ That his opinions in Parliament had been very
“ avowed, and were to be presumed to be according
“ to his conscience, in the profession of which he was
“ so public, that there was reason to believe he used
“ no ill arts in private ; since he had the courage to
“ do that aloud, which he had reason to believe
“ would displease many. That it would be a great
“ prejudice, and blemish to their counsels and disco-
“ veries, if after so long discourse of a malignant
“ party, and evil counsellors, of which they had never
“ yet named any, they should first brand this Lord
“ with that imputation upon such a ground and occa-
“ sion, as must include all those Lords who had ab-
“ solved him, which was the major part of the Lords.
“ In a word, that it would look as if they had de-
“ vised those new words to make men afraid, and keep
“ them in reserve to apply to all those, with whom
“ they were angry.”

But notwithstanding all this, and all the reason that could be spoken on that part, and that there could be

none on the other, after a debate of very many hours, till after nine of the clock at night, (the latest that ever was in the Parliament, but that of the Remonstrance), in which it was evident, that they meant, as far as in them lay, to confound all those, whom they could not convert ; it was resolved by the majority of voices, not half of the House being present at that unseasonable time of the debate, “ that they should accuse the “ Duke of Richmond to the Lords to be one of the “ malignant party, and an evil counsellor to his Ma-“ jesty ; and to desire them to join in a request to “ the King, that he might be removed from any of-“ fice or employment about his person ;” which was solemnly recommended to the Lords accordingly, and by them so far received, that though the desire was rejected, no dislike or disapprobation of the matter or the manner was in the least discovered, or insisted on.

All things thus prepared, and so many Lords driven and kept from the House, besides the Bishops, and they that stayed there, by this last instance, instructed how to carry themselves, at least how they provoked the good Lords to protest, they resolved once more to try whether the House of Peers would be induced to join in the business of the militia, which they had twice refused ; and to that purpose, their old friends of the city in the same numbers flocked to Westminster, but under the new, received, and allowed style of petitioners ; but as unlike petitioners to any of those Lords or Commons, whom they understood to be malignant, as the other tumults had been. From these herds there were two notable petitions delivered to the House of Commons, the one from the porters, their number, as they said, consist-

ing of fifteen thousand ; the other under the title of many thousands of poor people in and about the city of London. The porters, with great eloquence, confessed "the unexpressible pains that honourable House " had taken for the good of Church and State; which " deserved to be recorded to their eternal fame, though " the effects of those unwearied endeavours were not " produced, by reason of the prevalence of that adverse, " malignant, blood-sucking, rebellious party, by the " power of which the privileges of Parliament, and the " liberty of the subject was trampled upon, the rebellion " in Ireland increased, and all succours and relief for " that kingdom obstructed." They said, " That trade " had been long languishing, but was now dead by " the fears, jealousies, and distractions they lay under, " for want of fortification of the Cinque Ports, which " was a great encouragement to the Papists to make " insurrections, and did much animate a foreign " power to invade us : that by the deadness of trade " they did want employment in such a measure, as " did make their lives very uncomfortable ; therefore " their request was, that that extreme necessity of theirs " might be taken into serious consideration, and that " the honourable House of Commons would fall upon " the speediest course for abating and quelling the " pride, outrage, and insolency of the adverse party " at home ; that the land might be secured by fortifying the Cinque Ports, and putting the people " into a posture of defence, that all their fears, or as " many as could, might be removed, and that trade " might be again set up and opened, that their wants " might be in some measure supplied. They further " desired that justice might be done upon offenders, " according as the atrocity of their crimes had de- " served :

“ served; for if those things were any longer sus-
“ pended, they should be forced to extremities not fit
“ to be named, and to make good that saying, that
“ necessity hath no law. They said they had nothing
“ to lose but their lives, and those they would wil-
“ lingly expose to the utmost peril, in defence of the
“ House of Commons, according to their protesta-
“ tion,” &c.

The other was a petition in the names of many thousands of poor people, and brought by a multitude of such, who seemed prepared for any exploit. I have thought fit, for the rareness of it, and the rare effect it produced, to insert that petition in terms as it was presented, thus.

*To the Honourable the House of Commons now assembled
in Parliament.*

“ The humble petition of many thousands of poor
“ people in and about the city of London,

“ Humbly sheweth, that your petitioners have lain
“ a long time under great pressures, and grievances both
“ in liberties and consciences, as hath been largely,
“ and sundry times, shewed and declared, by several
“ petitions exhibited to this honourable assembly both
“ by the citizens and apprentices of the city of Lon-
“ don, and divers counties and parts of this kingdom,
“ from which we hoped long ere this, by your pious
“ care, to have been delivered.

“ But now we, who are of the meanest rank and
“ quality, being touched with penury, are very sensi-
“ ble of the approaching storms of ruin, which hang
“ over our heads, and threaten to overwhelm us, by
“ reason of the sad distractions occasioned chiefly and

“ originally, as your petitioners humbly conceive, by
“ the prevalency of the Bishops, and the Popish
“ Lords, and others of that malignant faction; who
“ make abortive all good motions, which tend to the
“ peace and tranquillity of this kingdom of England,
“ and have hitherto hindered the sending relief to
“ our brethren in Ireland, although they lie weltering
“ in blood; which hath given such head to the ad-
“ verfaries, that we justly fear the like calamities in-
“ evitably to befall us here, when they have vented
“ their rage and malice there.

“ All which occasions so great a decay and stop of
“ trade, that your petitioners are utterly impoverished,
“ and our miseries are grown insupportable, we hav-
“ ing already spent all that little means, which we had
“ formerly, by God’s blessing, and our great labour,
“ obtained; and many of us have not, nor cannot tell
“ where to get, bread to sustain ourselves and fami-
“ lies; and others of us are almost arrived at the same
“ port of calamity; so that unless some speedy re-
“ medy be taken for the removal of all such obstruc-
“ tions, which hinder the happy progress of your
“ great endeavours, your petitioners shall not rest in
“ quietness, but shall be forced to lay hold on the
“ next remedy which is at hand, to remove the dis-
“ turbers of our peace; want and necessity breaking
“ the bounds of modesty: and rather than your peti-
“ tioners will suffer themselves, and their families, to
“ perish through hunger and necessity, though hi-
“ therto patiently groaned under, they cannot leave
“ any means untried for their relief.

“ The cry therefore of the poor and needy, your poor
“ petitioners, is, that such persons, who are the obsta-
“ cles of our peace, and hinderers of the happy pro-
“ ceedings

“ proceedings of this Parliament, and the enjoyment of
“ the looked for purity of religion, safety of our lives,
“ and return of our welfares, may be forthwith pub-
“ licly declared, to the end they may be made mani-
“ fest ; the removal of whom we humbly conceive
“ will be a remedy to cure our miseries, and put a
“ period to these distractions : and that those noble
“ worthies of the House of Peers, who concur with
“ your happy votes, may be earnestly desired to join
“ with this honourable House, and to sit and vote as
“ one entire body ; which we hope will remove from
“ us our destructive fears, and prevent that, which
“ apprehension will make the wisest and peaceablest
“ men to put into execution.

“ For the Lord’s sake hear us, and let our religion,
“ lives, and welfares be precious in your sight, that
“ the loins of the poor may bleſs you, and pray,” &c.

After this scandalous and extravagant petition delivered, the House, according to its gracious custom, ordered thanks to be given for their great kindness. To the which when it was delivered by the Speaker, who told them that the House was in consideration of those things, whereof they complained, some of that rabble, no doubt as they had been taught, replied, “ that they never doubted the House of Commons, “ but they heard all stuck in the Lords’ House, and “ they desired to know the names of those Peers, “ who hindered the agreement between the good “ Lords and the Commons :” which they pressed with unheard of rudeness and importunity, and with a seeming unwillingness withdrew, whilst the House took the matter into further consideration.

Yet notwithstanding this provocation, and that it

was urged by many members, some of which had been assaulted and ill intreated by that rabble in their passage to the House, “that the countenancing such licentious persons and proceedings would be a great blemish to their counsels,” they were again called in; and told, “that the House of Commons had endeavoured, and would continue those endeavours for their relief; and they doubted not, when they had delivered their petition, and what they had said to the Lords, which they would presently do, the causes of their evils would be found out, and some speedy course resolved upon for their relief; and therefore desired them with patience to attend a further answer.” And accordingly that petition was solemnly read, and delivered to the Lords at a conference; and the conference no sooner ended, than Mr. Hollis, one of those five whom the King had accused a month before of high treason, was sent to the Lords in a message to desire them, “that they would join with the House of Commons in their desire to the King about the militia;” to which he added, “that if that desire of the House of Commons was not assented to, he desired those Lords who were willing to concur, would find some means to make themselves known, that it might be known who were against them, and they might make it known to those that sent them.”

After which motion and message, the Lords again resumed the debate; which the Earl of Northumberland began with a profession, “that whosoever refused, in that particular, to join with the House of Commons, were, in his opinion, enemies to the commonwealth;” when the major part of that House had twice before refused to concur with them

in it. Yet when his Lordship was questioned for that unparliamentary language, all the other Lords of that faction joined with him ; and declared, “ that it was “ their opinion likewise :” the rabble being at the door to execute whatever they were directed : so that many Lords, out of a just indignation to see their honours and their liberties sacrificed to the people by themselves ; others, out of real fear of being murdered, if they should, in that conjuncture of time, insist on their former resolutions, withdrawing themselves ; the major part of those, who stayed, concluded to join with the House of Commons in their desire concerning the militia.

The Lords
pass the
bill touch-
ing the mi-
litia ;

Within two days after this agreement and submission of the Lords, another petition was presented to the Commons, in the name of the inhabitants of the county of Surry, by a multitude of people, who were, or pretended to be, of that county, and subscribed by above two thousand hands. Their petition was of the ordinary strain, full of devotion to the House of Commons, and offering to execute all their commands ; but with it they presented likewise a petition, which they intended to present to the Lords, if they approved it, and was subscribed by above two thousand hands ; by which it may appear where that petition was drawn, and when, however the hands were procured. The petition to the Lords took notice “ of “ their happy concurrence with the House of Commons in settling the militia, and forts, in such hands “ as the commonwealth might confide in, and the “ kingdom in such a posture as might be for its defence and safeguard : yet they complained of the “ miserable condition of Ireland, which, they said, by “ the delay it had found amongst their Lordships,

“ notwithstanding the pressing endeavours of the
 “ House of Commons, together with many of their
 “ Lordships, had been exposed to the inhuman cruel-
 “ ties of their merciless enemies. With like grief
 “ they apprehended the distractions of this nation,
 “ the composure of which was altogether hopeless, so
 “ long as the King’s throne was surrounded with evil
 “ counsellors, and so long as the votes of Popish Lords
 “ and Bishops were continued in their House.

“ Wherefore they did humbly pray, and beseech
 “ their Lordships, that they would go on in a con-
 “ stant union with the House of Commons, in provid-
 “ ing for the kingdom’s safety; that all evil coun-
 “ sellors might be found out, Ireland relieved; that
 “ the votes of the Popish Lords and Bishops might
 “ be speedily removed; that so the peace of the
 “ kingdom might be established, the privileges of
 “ Parliament vindicated, and the purity of religion
 “ settled and preserved. And, they said, they should
 “ be in duty obliged to defend, and maintain with
 “ their lives and estates, their Lordships, as far as they
 “ should be united with the honourable House of
 “ Commons, in all their just and pious proceedings.”

Which petition was read in the House of Com-
 mons, and approved, and the petitioners thanked for
 their kind expressions therein; and then it was de-
 livered by them at the bar of the House of Peers;
 who, within a day or two, passed both the bill for
 taking away the Bishops’ votes, and that concerning
 pressing, which had lain so long desperate, whilst the
 Lords came, and sat with freedom in the House.

and the
 bills touch-
 ing the
 Bishops
 votes, and
 pressing.

Both
 Houses ad-
 journ again
 into Lon-
 don.

And these marvellous things done, they again ad-
 journ both Houses into London, to lay the scene for
 future action.

Upon

Upon the second day of February, some members, ^{Both}
^{Houses pe-}
 appointed by both Houses, attended his Majesty at ^{tition the}
 Windsor with their petition, "that he would forth-
^{King}
^{with put the Tower of London, and all other forts,}
^{the Tower,}
^{" and the whole militia of the kingdom, into the}
^{forts, and}
^{militia, &c.}
^{Feb. 2.}
^{" hands of such persons, as should be recommended}
^{" unto his Majesty by both Houses of Parliament;}
^{" which, they assured themselves, would be a hopeful}
^{" entrance into those courses, which, through God's}
^{" blessing, should be effectual for the removing all}
^{" diffidence, and misapprehension between his Ma-}
^{" jesty and his people; and for establishing and en-}
^{" larging the honour, greatness, and power of his}
^{" Majesty, and royal posterity; and for the restoring}
^{" and confirming the peace and happiness of his}
^{" loyal subjects in all his dominions. And to that}
^{" their most necessary petition, they said, they did, in}
^{" all humility, expect his speedy and gracious answer,}
^{" the great distractions, and distempers of the king}
^{" dom, not admitting any delay."}

At the same time they likewise presented another petition to him, concerning the accused members; in which they besought him "to give directions, that the Parliament might be informed, before Friday next, (which was within two days), what proof there was against them, that accordingly they might be called to a legal trial; it being the undoubted right and privilege of Parliament, that no member of Parliament could be proceeded against, without the consent of Parliament."

His Majesty now found that these persons could not be compounded with, and that their purpose was, by degrees, to get so much power into their hands, that they need not care for what was left in his; and that

that the Lords were in no degree to be relied upon to maintain their own privileges, much less to defend his rights ; and that they had the power generally to impose upon the people's understanding, contrary to their own senses, and to persuade them, " that they were in "danger to be invaded by foreign enemies," when the King was not only in peace with all Christian princes, but almost all other nations so embroiled in war, that they all desired the friendship and assistance of England ; none was in case or condition to disturb it : " and that there was a decay and deadness of trade, " and want and poverty growing upon the whole " kingdom," when no man living had ever remembered the like plenty over the whole land, and trade was at that height, that the like had never been known.

The King
resolves to
remove far-
ther from
London.

He resolved therefore to remove himself to a greater distance from London, where the fears and jealousies grew ; and constantly to deny to pass any act, that should be recommended to him from the two Houses, except what might concern Ireland, till he might have a full prospect of all they intended to demand, and an equal assurance how far they intended to gratify him for all his condescensions ; which resolution was very parliamentary, it having been rarely known, till this present Parliament, that the King consented to any acts, till the determination of the session.

The truth is, when his Majesty found the extreme ill success of the accusation against the members, and that the tumults, and the petitioners, were no other than an army at the disposal of those, in whom he had no reason to put his confidence, and that all such, who expressed any eminent zeal to his service, would be taken from him under the style of Delinquents and Malcontents,

Malignants, he resolved that the Queen, who was very full of fears, should go to Portsmouth, Colonel Goring, who was governor thereof, having found means to make good impressions again in their Majesties of his fidelity ; and that himself would go to Hull, where his magazine of cannon, arms, and ammunition was ; and that being secured in those strong places, whither they who wished him well might resort, and be protected, he would sit still, till they who were over-active would come to reason.

But this, though resolved with so much secrecy, that it was not communicated to three persons, (as I have been since assured by those who knew), whether by the treachery of one of those few, or by the curiosity of others, (which I rather believe), who found means to overhear all private discourses, (as both bedchambers were inhabited, and every corner possessed, by diligent spies upon their master and mistress), was imparted to those, who procured those orders before mentioned for Hull and Portsmouth ; by reason whereof, and the advice, and promise of many Lords, “ that they would firmly unite themselves for “ the just support of the regal power,” with the extreme apprehension the Queen had of danger, that counsel was laid aside. That, which wrought so much upon the Queen’s fears, besides the general observation how the King was betrayed, and how his rights and power were every day wrested from him, was an advertisement, that she had received, of a design in the prevalent party, to have accused her Majesty of high treason ; of which, without doubt, there had been some discourse in their most private cabals, and, I am persuaded, was imparted to her upon design, and by connivance, (for there were some incorporated into that

that faction, who exactly knew her nature, passions, and infirmities), that the disdain of it might transport her to somewhat, which might give them advantage. And shortly after that discovery to her Majesty, those persons before mentioned were accused of high treason ; yet afterwards, when they had received the full fruits, they found means to complain, “ as a great argument of the malignity of those persons of nearness to both their Majesties, that an infusion had been made to the Queen, that there was a purpose of accusing her of high treason,” and solemnly by message “ besought her to discover, who had done that malicious office ;” when they very well knew who it was, and for whose sake the Queen was brought to return answer, “ that she had heard such a discourse, but took no notice of it, as never believing it :” whereas, if she could have been compelled to have discovered, how they knew that the Queen had been informed, all the secret would have appeared ; the same person first telling her what was in projection against her, and then returning intelligence of any expressions and distemper, he might easily observe upon the apprehension which the other begot.

But both King and Queen were then upon that disadvantage, that all their words and actions, which were the pure results of their own reasons and judgments upon what they saw every day occurred, were called the effects of evil counsels, that so they might take the liberty to reproach them with the more licence ; whilst what they received by the most secret perjury of bedchamber spies, or what they forged themselves, was urged as the result of common fame, or the effects of their fears and jealousies, to the rancour of which the most precious balm of the Crown must

be

be applied. And therefore it was concluded, “ that the Queen should take the opportunity of her daughter the Princess Mary’s journey into Holland,” (who had been before married to the young Prince of Orange, and was now solemnly desired by the States embassadors to come into that country), “ to transport herself into Holland, patiently to expect an amendment of the affairs of England ; and that the King should retire into the North, and reside at York, “ and deny all particulars, till the whole alteration “ should be framed.” But the first resolution concerning the Queen was only published ; the other, concerning the King, communicated to very few ; both their Majesties being reduced to so great wants, that the Queen was compelled to coin, or sell, her chamber plate, for the supply of her most necessary occasions, there being no money in the Exchequer, or in the power of the ministers of the revenue ; the officers of the customs, out of which the allowance for the weekly support of their Majesties’ household had been made, being enjoined by the House of Commons, not to issue out any money, without their particular consent and approbation.

It was evident now that the accused members were too mighty for the King, or the law, and that they would admit no other judges of their guilt, than themselves, nor rules of proceeding, than the plurality of their own voices : and therefore the King resolved to give over any more thought of that business. And so to that petition he answered, “ that as he once conceived “ that he had ground enough to accuse them, so now “ he found as good cause wholly to waive any prosecution of them.” The other petition concerning the militia gave him more trouble ; for though he was resolved

resolved in no degree to consent to it, yet he was willing, till all things could be ready for the Queen's journey, and so for his own remove, rather to delay it, than deny it ; lest the same army of petitioners might come to Windsor to persuade him, which had converted, or prevailed over the House of Peers. And he was persuaded by some, who thought they knew the temper of both Houses, that though they were now united in the matter, they might easily be divided upon the circumstances ; and that they would not be of one mind in the election of the persons to be confided in. So that to that petition his Majesty returned this answer :

The King's answer to the petition concerning the militia. " That he was willing to apply a remedy not only to their dangers, but to their doubts and fears ; and therefore, that when he should know the extent of power, which was intended to be established in those persons, whom they desired to be commanders of the militia in the several counties, and likewise to what time it should be limited, that no power should be executed by his Majesty alone without the advice of Parliament, then he would declare, that he would be content to put in all the forts, and over the militia, such persons as both Houses of Parliament should either approve, or recommend to him ; so that they before declared the names of the persons, whom they would approve or recommend, and so that no person should be named by them, against whom his Majesty should have just and unquestionable exception."

Which answer, though it was not a consent, gave them notable encouragement, and exceedingly united the vulgar minds to them ; who concurred only with them, as they saw them like to prevail in what they went

went about. And there was no danger of any disunion in the nomination of persons; because, though they should at first admit such into the number, whom they could not sufficiently trust, nor plausibly except against, yet when they were once possessed of the power of nomination, they might easily weed out those, which were not agreeable to the soil they were planted in. However this would take up some time; and therefore to keep the King's inclination to gratify them (for so they would understand it) warm, the same day they received this answer, they returned a message of thanks; and desired his Majesty, "whilst "they were preparing all other particulars according "to his command, that he would confer the custody "of the Tower upon Sir John Coniers," whom they had lately recommended to his Majesty, as a person of great merit. With which being surprised, and desired likewise by Sir John Byron to free him from the agony and vexation of that place, which had exposed his person and reputation to the rage and fury of the people, and compelled him to submit to such reproaches, as a generous spirit could not brook without much regret; for he had upon frivolous surmises been sent for as a delinquent, and been brought upon his knees at the bar of both Houses; his Majesty consented to that alteration, and made Sir John Coniers Lieutenant of the Tower. Which was such an instance of his yielding upon importunity, that from that time they thought themselves even possessed of the whole militia of the kingdom.

Whilst all diligence was used in making preparation for the Queen's journey, to divert their councils from other inquisition, the King (who had received so many sharp expostulations for breach of privileges, and

The House
of Com-
mons re-
turn the
King
thanks;
and desire
Sir John
Coniers
may be
made Lieu-
tenant of
the Tower.

The King
contents to
it.

and other attempts upon their reputations,) resolved, upon their publication of a bold scandal upon himself by one of their principal members, to expostulate with them, and try what satisfaction and reparation they were prepared to give him, who exacted so much from him. All opportunities had been taken in public, and all licence given to private and clandestine forgeries to lay odious or envious imputation on the King and Queen, in the business of Ireland ; and to impute the progress and success of that rebellion to a connivance, if not a countenance, from the Court : the not levying men, and sending provisions, imputed to his Majesty ; though he had, as is before observed, offered to levy ten thousand volunteers for that service, and had consented cheerfully to every proposition, that had been made with the least reference to the assistance of that kingdom. Indeed he was so alarmed with those perpetual odious suggestions, which he perceived wrought very pernicious effects in the minds of the people, that he was compelled to consent to many things contrary to his judgment and kingly policy, to prevent greater inconveniences by those scandals, which he saw were prepared for him. So when several propositions were recommended to him by the two Houses concerning those supplies, which were to be sent out of Scotland, amongst the rest, there was one, “ that the Scots should have the “ command and keeping of the town and castle of “ Carrickfergus ; and if any regiments, or troops, in “ that province should join with them, that they “ should receive orders from the commander of the “ Scottish forces.” The King consented to all the rest, though there were matters unreasonableness enough in favour of that nation ; but, “ that,” he said, “ he “ could

"could not approve of;" and wished "the Houses to take that proposition again into consideration, as "a busines of very great importance, which he "doubted might prove prejudicial to the Crown of "England, and the service intended." And he said, "if the Houses desired it, he would be willing to "speak with the Scottish Commissioners, to see what "satisfaction he could give them therein." This answer was no sooner read, but both Houses voted, "that whosoever gave the King advice, or counsel, "to send that answer, was an enemy to the King and "kingdom," and a committee appointed to find out who those evil counsellors were. So that, the Scottish Commissioners pressing him, "that, being their native "King, he would not publish a less trust and confi- "dence in them, than their neighbour nation had done," his Majesty thought fit to consent to the whole, as the two Houses had advised.

Then, in the carrying on the war, they allowed his Majesty so little power, that when he recommended some officers of prime quality, reputation, and experience in the war, to the Lord Lieutenant to be employed in that service, the House of Commons by express order, and after they knew that his Majesty had recommended them, rejected them, because they were taken notice of to have attended upon the King at Whitehall, as a guard to his person. And, after all this, they took all occasions to asperse him with any omissions that were in that great work; as Mr. Pym had more particularly done, in that speech before taken notice of, at the conference with the Lords, upon the delivery of those seditious petitions; of which the King could not take notice, lest he should be again reproached with breach of privilege.

But when that speech was printed by order of the

The King demands reparation for an expression in a printed speech of Mr. Pym's.

House, the King thought he had an opportunity to require a vindication ; and therefore, in a letter to the Speaker, he sent this message : “ That he had taken notice of a speech, pretended by the title to have been delivered by Mr. Pym in a conference, and printed by order of the House of Commons ; in which it was affirmed, that since the stop upon the ports against all Irish Papists of both Houses, many of the chief commanders, now in the head of the rebels, have been suffered to pass by his Majesty's immediate warrant : and being certain of having used extreme caution in the granting of passports into Ireland, he conceived, either that paper not to have been so delivered, and printed, as is pretended ; or that House to have received some misinformation. And therefore his Majesty desired to know, whether that speech had been so delivered and printed ; and if it had, that the House would review, upon what information that particular had been grounded, that either it might be found upon examination false, and so both the House, and his Majesty, to have been injured by it ; or that his Majesty might know, by what means, and by whose fault, his authority had been so highly abused, as to be made to conduce to the assistance of that rebellion, which he so much detested and abhorred ; and that he might see himself fully vindicated from all reflections of the least suspicion of that kind.”

The House of Commons' answer.

It was some time before they would vouchsafe any answer to the King upon this message ; but at last they returned, “ that the speech, mentioned in that message, was printed by their order, and what was therein delivered was agreeable to the sense of the House : that they had received divers advertisements concerning the several persons, Irish Papists, and others,

“ who

“ who had obtained his Majesty’s immediate warrant
 “ for their passing into Ireland, since the order of
 “ restraint of both Houses ; some of which, as they
 “ had been informed, since their coming into Ireland,
 “ had joined with the rebels, and been commanders
 “ amongst them ; and some others had been stayed,
 “ and were yet in safe custody.”

Then they named some, to whom licences had been granted before the order of restraint, and were still in England ; and said, “ there were others, whose names “ they had not yet received, but doubted not, upon “ examination, they would be discovered.”

To this the King replied, and told them, “ that as ^{The King’s} _{reply.}
 “ he had expressed a great desire to give them all pos-
 “ sible satisfaction to all their just requests, and a rea-
 “ diness to rectify, or retract, any thing done by him-
 “ self, which might seem to intrench upon their pri-
 “ vileges by any mistake of his ; so he hoped, they
 “ would be ready, upon all occasions, to manifest an
 “ equal tenderness and regard of his honour, and re-
 “ putation with his subjects : and therefore he ex-
 “ pected they should review his message concerning
 “ Mr. Pym’s speech, and their answer, with which he
 “ could not rest satisfied. He said, he was most as-
 “ sured that no person, who had command in the
 “ head of the rebels, had passed by his warrant, or
 “ privity. And then, he desired them to consider,
 “ whether such a general information, and advertise-
 “ ment, as they implied in their answer, without the
 “ name of any particular person, was a ground enough
 “ for such a direct and positive affirmation, as was
 “ made in that speech ; which, in respect of the place
 “ and person, and being now acknowledged to be ac-
 “ cording to the sense of the House, was of that au-
 “ thority, that his Majesty might suffer in the affec-

“ tions of many of his good subjects, and fall under
“ a possible construction, considering many scanda-
“ lous pamphlets to such a purpose, of not being sen-
“ fible enough of that rebellion, so horrid and odious
“ to all Christians; by which, in that distra&tion,
“ such a danger might possibly ensue to his Majesty’s
“ person and estate, as he was well assured they would
“ endeavour to prevent. And therefore he thought
“ it very necessary, and expected that they should
“ name those persons who had passed by his licence,
“ and were then in the head of the rebels: or if, upon
“ their re-examination, they did not find particular
“ evidence to prove that assertion, (as he was most con-
“ fident they never could), as that affirmation, which
“ reflected upon his Majesty, was very public, so they
“ would publish such a declaration, whereby that mis-
“ take might be discovered; he being the more ten-
“ der in that particular which had reference to Ire-
“ land, and being most assured, that he had been, and
“ was, from his soul, resolved to discharge his duty,
“ for the relief of his poor Protestant subjects, and the
“ utter rooting out that rebellion; so that service had
“ not suffered for the want of any thing proposed to
“ him, and within his power to grant.”

He said, “ in this matter he had diligently examined
“ his own memory, and the notes of his Secretaries;”
and then named all the Irish persons to whom he had
given any licences to go into that kingdom, since
the beginning of that rebellion; and said, “ he was
“ well assured, none of them were with the rebels;
“ and though some of them might be Papists, yet he
“ had no reason to have any suspicion of them, in
“ respect of their alliance with persons of great honour
“ and power in that kingdom, of whose fidelity to him
“ he had good assurance; and the Lords Justices
“ them-

“ themselves having declared, that they were so far
“ from owning a jealousy of all Papists there, that they
“ had put arms into the hands of divers noblemen
“ of that religion, within the pale, which the Parlia-
“ ment had well approved of. And therefore, unless
“ the first affirmation of the House of Commons could
“ be made good by some particulars, he expected a
“ vindication by such a declaration as he had pro-
“ posed ; which, he said, was, in duty and justice, due
“ to him.”

But this, and any thing else could be said, was so far from procuring any reparation, that when they perceived the King still pressed for that justice, and apprehended that many would believe it due to him, and that the prejudice they had raised to him for Ireland would be removed thereby, they confidently published another declaration of several persons’ names, to whom they said the King had granted passes, and were then commanders in the rebels’ army, of whose names his Majesty had never before heard, to whom no passes had been granted, neither did he believe that there were such men in nature ; and so left the people to believe as they found themselves inclined upon the King’s denial, or their so particular and positive affirmation.

These proceedings of the Parliament made a deep impression upon all noble and generous persons, who found that their pride and ambition was so great, that they resolved to remove all persons, who were like to stand in their way, by opposing any thing they desired, or by filling any place, or office, which they designed should be executed by some other person, in whom they could confide. The Earl of Newcastle, who was Governor to the Prince, knew very

well in what prejudice he stood with the Earls of Essex, and Holland, (two very powerful persons), upon the account of the challenge formerly mentioned to be sent by him to the latter of the two, who would be glad of any opportunity to expose him to an affront ; and that they would find occasions enough upon the account of his known affections to the King's service, from which it was not possible to remove or startle him. He knew they liked not that he should have the government of the Prince, as one, who would infuse such principles into him, as would not be agreeable to their designs, and would dispose him to no kindness to their persons, and that they would not rest, till they saw another man in that province ; in order to which, they would pick all quarrels they could, and load him with all reproaches, which might blast him with the people, with whom he had a very

The Earl of Newcastle resigns his place of Governor to the Prince. good reputation. Upon those considerations, and some other imaginations upon the prospect of affairs, he very wisely resolved to retire from the Court, where he had expended much of his own fortune, and only made himself obnoxious to the malice and envy of other pretenders ; and desired the King to approve of this his reasonable inclination, and to put the Prince under the tuition of some person of honour of unquestionable fidelity to him, and above the reach of popular disapprobation ; and at the same time mentioned the Marquis of Hertford, who was indeed superior to any temptations. The King could not dislike the Earl's judgment upon his own interest and concernment ; and did foresee likewise that he might probably have occasion to use his service under another qualification ; and therefore was well contented to dismiss him from the Prince.

The

The Marquis of Hertford was a man of great honour, interest, and estate, and of an universal esteem over the whole kingdom; and though he had received many and continued disengagements from the Court, from the time of this King's coming to the Crown, as well as during the reign of King James, in both which seasons, more than ordinary care had been taken to discountenance and lessen his interest; yet he had carried himself with notable steadiness, from the beginning of the Parliament, in the support and defence of the King's power and dignity, notwithstanding all his allies, and those with whom he had the greatest familiarity and friendship, were of the opposite party; and never concurred with them against the Earl of Strafford, whom he was known not to love, nor in any other extravagancy.

And then, he was not to be shaken in his affection to the government of the Church; though it was enough known that he was in no degree biased to any great inclination to the person of any Churchman. And with all this, that party carried themselves towards him with profound respect, not presuming to venture their own credit in endeavouring to lessen his.

It is very true, he wanted some of those qualities, which might have been wished to be in a person to be trusted in the education of a great and hopeful Prince, and in forming of his mind and manners in so tender an age. He was of an age not fit for much activity and fatigue, and loved, and was even wedded so much to his ease, that he loved his book above all exercises; and had even contracted such a laziness of mind, that he had no delight in an open and liberal conversation; and cared not to discourse, and argue on

those points, which he understood very well, only for the trouble of contending ; and could never impose upon himself the pain that was necessary to be undergone in such a perpetual attendance : but then those lesser duties might be otherwise provided for, and he could well support the dignity of a governor, and exact that diligence from others, which he could not exercise himself ; and his honour was so unblemished, that none durst murmur against the designation ; and therefore his Majesty thought him very worthy of the high trust, against which there was no other exception, but that he was not ambitious of it, nor in truth willing to receive and undergo the charge, so contrary to his natural constitution. But in his pure zeal and affection for the Crown, and the conscience, that in this conjuncture his submission might advance the King's service, and that the refusing it might prove disadvantageous to his Majesty, he very cheerfully undertook the province, to the general satisfaction and public joy of the whole kingdom ; and to the no little honour and credit of the Court, that so important and beloved a person would attach himself to it under such a relation, when so many, who had scarce ever eaten any bread but the King's, detached themselves from their dependence, that they might without him, and against him, preserve and improve those fortunes, which they had procured and gotten under him, and by his bounty.

The King
prefled to
pass the bill
against the
Bishops'
votes.

Now the bill for the taking away the votes of Bishops out of the House of Peers, which was called a bill for taking away all temporal jurisdiction from those in holy Orders, was no sooner passed the House of Peers, than the King was earnestly desired " to give " his royal assent to it." The King returned, " that it
" was

“ was a matter of great concernment ; and therefore
“ he would take time to advise, and would return an
“ answer in convenient time.” But this delay pleased
not their appetite ; they could not attempt their
perfect reformation in Church and State, till those
votes were utterly abolished ; therefore they sent the
same day again to the King, who was yet at Windsor,
and gave him reasons to persuade him “ immediately
“ to consent to it ; one of which was the grievances
“ the subjects suffered by the Bishops exercising of
“ temporal jurisdiction, and their making a party in
“ the Lords’ House : a second, the great content of all
“ sorts by the happy conjunction of both Houses in
“ their absence : and a third, that the passing of that
“ bill would be a comfortable pledge of his Majesty’s
“ gracious assent to the future remedies of those evils,
“ which were to be presented to him, this once being
“ passed.”

Reasons sufficient to have converted him, if he had the least inclination or propensity to have concurred with them. For it was, upon the matter, to persuade him to join with them in this, because, that being done, he should be able to deny them nothing.

However those of greatest trust about the King, and who were very faithful to his service, though in this particular exceedingly deceived in their judgments, and not sufficiently acquainted with the constitution of the kingdom, persuaded him “ that the passing
“ this bill was the only way to preserve the Church,
“ there being so united a combination in this parti-
“ cular, that he would not be able to withstand it.
“ Whereas, by the passing this bill, so many persons
“ in both Houses would be fully satisfied, that they
“ would join in no further alteration : but, on the
“ other

" other hand, if they were crossed in this, they would
" violently endeavour an extirpation of Bishops, and
" a demolishing of the whole fabric of the Church.

" They alleged that he was, upon the matter, de-
" prived of their votes already, they being not suf-
" fered to come to the House, and the major part in
" prison under an accusation of high treason, of which
" there was not like to be any reformation, till these
" present distempers were composed; and then that by
" his power, and the memory of the indirect means
" that had been used against them, it would be easier
" to bring them in again, than to keep them in now.
" They told him, there were two matters of great im-
" portance pressed upon him for his royal assent, but
" they were not of equal consequence and concern-
" ment to his sovereign power; the first, that bill
" touching the Bishops' votes; the other, the whole
" militia of the kingdom, the granting of which would
" absolutely divest him of all regal power; that he
" would not be able to deny both; but by granting the
" former, in which he parted with no matter of mo-
" ment, he would, it may be, not be pressed in the
" second; or if he were, that as he could not have a
" more popular quarrel to take up arms, than to de-
" fend himself, and to preserve that power in his
" hands, which the law had vested in him, and
" without which he could not be a King; so he could
" not have a more unpopular argument for that con-
" tention, than the preservation of the Bishops in the
" House of Peers, which few men thought essential,
" and most men believed prejudicial, to the peace and
" happiness of the kingdom."

These arguments, though used by men whom he most trusted, and whom he knew to have opposed that

that bill in its passage, and to be cordially friends to the Church of England in discipline and doctrine, prevailed not so much with his Majesty, as the persuasions of the Queen; who was not only persuaded to think those reasons valid, (and there are that believe that infusion to have been made in her by her own Priests, by instructions from France, and for reasons of state of that kingdom), but that her own safety very much depended upon the King's consent to that bill; and that, if he should refuse it, her journey into Holland would be crossed by the Parliament, and possibly her person in danger either by the tumults, which might easily be brought to Windsor from Westminster, or by the insurrection of the countries in her passage from thence to Dover, where she intended to take shipping. Whereas by her intercession with the King to do it, she would lay a most seasonable and popular obligation upon the whole nation, and leave a pleasant odour of her grace and favour to the people behind her, which would prove much to her advantage in her absence; and she should have the thanks for that act, as acquired by her goodness, which otherwise would be extorted from the King, when she was gone.

These insinuations and discourses so far satisfied the Queen, and she the King, that, contrary to his most positive resolution, the King consented, and sent a commission for the enacting both that bill, and the other about pressing; which was done accordingly, to the great triumph of the Boutefeus, the King sending the same day that he passed those bills, which was the fourteenth of February, a message to both Houses;

“ That he was assured his having passed those two
“ bills, being of so great importance, so suddenly,
“ would

The King
passes that
bill, and the
other of
pressing,
Feb. 14.

“ would serve to assure his Parliament, that he desired
“ nothing more than the satisfaction of his kingdom.”
For Ireland, he said, “ as he had concurred in all
“ propositions made for that service by his Parliament,
“ so he was resolved to leave nothing undone for their
“ relief, which should possibly fall within his power,
“ nor would refuse to venture his own person in that
“ war, if the Parliament should think it convenient,
“ for the reduction of that miserable kingdom.”

The passing that bill for taking away the Bishops' votes, exceedingly weakened the King's party; not only as it swept away so considerable a number out of the House of Peers, which were constantly devoted to him; but as it made impression on others, whose minds were in suspense, as when foundations are shaken. Besides, they that were best acquainted with the King's nature, opinions, and resolutions, had reason to believe, that no exigence could have wrought upon him to have consented to so anti-monarchical an act; and therefore never after retained any confidence, that he would deny what was importunately asked; and so, either absolutely withdrew themselves from those consultations, thereby avoiding the envy, and the danger of opposing them, or quietly suffered themselves to be carried by the stream, and to consent to any thing that was boldly and lustily attempted.

And then it was so far from dividing the other party, that I do not remember one man, who vehemently insisted on, or indeed heartily wished, the passing of that bill, that ever deserted them, till the kingdom was in a flame: but, on the contrary, very many, who cordially and constantly opposed that act, as friends rather to monarchy than religion, after that bill, never considered or resisted any attempt, or further

ther alteration, in the Church, looking on the Bishops as useless to sovereignty, and so not of importance enough to be defended by the sword. And I have heard the same men, who urged before, “ that their places in “ that House had no relation to the discipline of the “ Church, and their spiritual jurisdiction, and there-“ fore ought to be sacrificed to the preservation of the “ other, upon which the peace and unity of religion “ so much depended,” since argue, “ that since their “ power in that House, which was a good outwork “ to defend the King’s from invasion, was taken away, “ any other form of government would be equally “ advantageous to his Majesty; and therefore, that he “ ought not to insist on it, with the least inconveni-“ ence to his condition.”

But that which was above, or equal to all this, was that, by his Majesty’s enacting those two bills, he had, upon the matter, approved the circumstances of their passage, which had been by direct violence, and almost force of arms ; in which case, he ought not to have confirmed the most politic, or the most pious constitutions : *Male posita est lex, quæ tumultuarie po-*
posta est, was one of those positions of Aristotle, which hath never been since contradicted ; and was an advantage, that, being well managed, and stoutly insisted upon, would, in spite of all their machinations, which were not yet firmly and solidly formed, have brought them to a temper of being treated with. But I have some cause to believe, that even this argument, which was unanswerable for the rejecting that bill, was applied for the confirming it ; and an opinion that the violence and force, used in procuring it, rendered it absolutely invalid and void, made the confirmation of it less considered, as not being of strength to make
that

that act good, which was in itself null. And I doubt this logic had an influence upon other acts of no less moment than these : but it was an erroneous and unskilful suggestion ; for an act of Parliament, what circumstances soever concurred in the contriving and framing it, will be always of too great reputation to be avoided, or to be declared void, by the sole authority of any private persons, or the single power of the King himself. And though the wisdom, sobriety, and power, of a future Parliament, if God shall ever bless the kingdom with another regularly constituted, may find cause to declare this, or that act of Parliament, void ; yet there will be the same temper requisite to such a declaration, as would serve to repeal it. And it may be then, many men, who abhorred the thing when it was done, for the manner of doing it, will be of the Civilians' opinion, *fieri non debuit, factum valet* ; and never consent to the altering of that, which they would never have consented to the establishing of ; neither will that single precedent of the Judges in the case of King Henry the seventh, when they declared the act of attainder to be void by the accession of the Crown, (though if he had in truth been the person, upon whom the Crown had lineally and rightfully descended, it was good law), find, or make, the Judges of another age parallel to them, till the King hath as strong a sword in his hand, and the people as much at his devotion and disposal ; and then the making, and declaring law, will be of equal facility, though, it may be, not of equal justice. How much soever the King's friends were, for the reasons aforesaid, dejected upon the passing those two acts, it is certain, they who thought they got whatever he lost, were mightily exalted, and thought themselves now

now superior to any opposition : and what returns of duty and acknowledgment they made to the King for that grace and favour, is to be remembered in the next place.

The same day those two acts were by his Majesty's commission passed, and as soon as a very short message of thanks for that favour, as much importing the safety of both kingdoms, of England and Ireland, was consented to, an ordinance for the settling the militia was agreed on by both Houses, and, together with a list of the names of such persons, as for the present they meant to confide in, was immediately sent to the King for his approbation ; the which, being the most avowed foundation of all the miseries that have followed, will be here necessary to be inserted in the very terms and form it was agreed upon, and presented ; and was as followeth.

An ordinance of both Houses of Parliament for the ordering of the militia of the kingdom of England, and dominion of Wales.

“ Whereas there hath been of late a most dangerous and desperate design upon the House of Commons, “ which we have just cause to believe to be the effect of the bloody counsels of the Papists, and other ill affected persons, who have already raised a rebellion in the kingdom of Ireland, and, by reason of many discourses, we cannot but fear they will proceed, “ not only to stir up the like rebellion and insurrection in this kingdom of England, but also to back them with forces from abroad ; for the safety therefore of his Majesty's person, the Parliament, and kingdom, in this time of imminent danger, it is ordained by the King, the Lords, and Commons, now

“ in

“ in Parliament assembled, That shall have
“ power to assemble, and call together, all and singular
“ his Majesty’s subjects within the county of
“ as well within liberties, as without, that are meet
“ and fit for the wars, and them to train, exercise,
“ and put in readiness, and them, after their abilities,
“ and faculties, well and sufficiently, from time to time,
“ to cause to be arrayed and weaponed, and to take
“ the muster of them in places most fit for that pur-
“ pose. And shall have power within the
“ said county to nominate and appoint such persons
“ of quality, as to him shall seem meet, to be his De-
“ puty Lieutenants to be approved of by both Houses
“ of Parliament : and that any one, or more of the
“ said Deputies, so assigned and approved of, shall in
“ the absence, or by the command of the said
“ have power and authority to do and execute within
“ the county of all such powers and
“ authorities before in this present ordinance con-
“ tained ; and shall have power to make Colonels, and
“ Captains, and other officers, and to remove out of
“ their places, and to make others from time to time,
“ as he shall think fit for that purpose. And
“ his Deputies, Colonels, and Captains, and other
“ officers, shall have further power and authority to
“ lead, conduct, and employ, the persons aforesaid,
“ arrayed and weaponed, as well within the county of
“ as within any other part of this realm
“ of England, or dominion of Wales, for the suppress-
“ ing of all rebellions, insurrections, and invasions,
“ that may happen, according as they, from time to
“ time, shall receive directions by his Majesty’s au-
“ thority, signified unto them by the Lords and Com-
“ mons, assembled in Parliament. And it is further
“ or-

" ordained, that such as shall not obey in any of the
" premises, shall answer their neglect and contempt to
" the Lords and Commons, in a parliamentary way,
" and not otherwise, nor elsewhere: and that every
" the powers, granted as aforesaid, shall continue, until
" it shall be otherwise ordered, or declared by both
" Houses of Parliament, and no longer. This
" to go also to the dominion of Wales."

A second act of the same day, and the only way they took to return their thanks and acknowledgment to the Queen for her intercession, and mediation in the passing those bills, was the opening a letter they intercepted, which was directed to her Majesty. The Lord Digby, after their Majesties going to Windsor, when he found in what umbrage he stood with the powerful and prevailing party, and that they were able to improve his going through a town in a coach and six horses to a warlike appearance, and so to expose him to the fury of the people, at least to the power of the counties, to be suppressed, as they had done by their order, or proclamation of the twelfth of January, before remembered, and appointed to be read in all market towns throughout England; concluded for his own security, and to free the King's councils from the imputation of his evil influence, to remove himself into some parts beyond the seas: and so, by the King's leave, and by his licence, was transported into Holland, from whence he writ some letters to his friends at London, to give them an account where he was, and for supplying himself with such accommodations as he stood in need of. Amongst these letters there was one to his brother-in-law, Sir Lewis Dives, which, by the treachery of that person, to whose care it was intrusted for conveyance, was brought to the

House of Commons : and it being averred, “ that it “ came from the Lord Digby,” whom they looked upon as a fugitive, they made no scruple of opening it ; and finding another in it directed to the Queen, after a very little pause they did the like ; for which they made no other excuse (when upon a message from the King they sent her the transcript, for the original they still kept) than, “ that having opened “ the other letters, and finding in them sundry expref-“ sions full of asperity, and malignity to the Parliament, “ they thought it very probable, that the like might “ be contained in that to her Majesty ; and that it “ would have been dishonourable to her Majesty, and “ dangerous to the kingdom, if it should not have been “ opened : and they besought the King to persuade “ her Majesty, that she would not vouchsafe any coun-“ tenance to, or correspondence with, the Lord Digby, “ or any other of the fugitives or traitors, whose of-“ fences were under the examination and judgment of “ Parliament.”

In that letter to the Queen were these words : “ If “ the King betake himself to a safe place, where he “ may avow and protect his servant, (from rage I mean “ and violence ; for from justice I will never implore “ it), I shall then live in impatience, and in misery, “ till I wait upon you. But if, after all he hath done “ of late, he shall betake himself to the easiest and “ compliantest ways of accommodation, I am confi-“ dent, that then I shall serve him more by my ab-“ fence, than by all my industry.” And in that to Sir Lewis Dives were these words : “ God knows, I “ have not a thought to make me blush towards my “ country, much less criminal; but where traitors “ have so great a sway, the honestest thoughts may
“ prove

“ prove most treasonable.” Which gave those, that thought themselves concerned, so great offence, that, within two days after, they accused him of high treason ; and finding no words in the letter would amount to that offence, they accused him of levying war against the King ; which could have relation to no act of his, but what was before mentioned at Kingston upon Thames, when, to the terror of the King’s subjects, he was seen there in a coach with six horses. Though this extravagancy of theirs seems to be directed against a particular person, I could not omit it in this place, being accompanied with those circumstances. And it may be, posterity may look upon the severe prosecution of a young nobleman of admirable parts, and eminent hopes, in so implacable a manner, as a most pertinent instance of the tyranny and injustice of that time, not possible to end, but in so much wickedness as hath since been practised.

A third act of that day was the carrying up an impeachment to the Lords against the King’s Attorney General, “ for maliciously advising and contriving The Attorney General is impeached by the Commons. “ the articles upon which the Lord Kimbolton, Mr. Hollis, Mr. Pym, Mr. Hambden, Mr. Strode, and Sir Arthur Haslerig, had been accused by his Majesty of high treason ;” it being not thought security and reparation enough, that the King had waved any further proceeding against them, except they left such a monument of their power, that, upon what occasion or provocation soever, no man should presume to obey the King in the like command : so that the same fourteenth of February, that was celebrated for the King’s condescension to that act for putting the Bishops out of the House of Peers, is famous likewise for those three unparalleled acts of contempt upon

the sovereign power ; the demand of the sole power over all the militia of the kingdom ; the opening letters directed to the sacred person of the Queen ; and the impeaching the Attorney General, for performing what he took to be the duty of his place, by his Master's command. All which were very ill instances of that application and compliance his Majesty had reason to expect, and some men had promised him he should receive.

The King's answer concerning the militia.

Though the King was resolved in no degree to consent to the proposition for the militia, yet he thought not the time seasonable for his positive denial, the Queen retaining still her fears of being stopped in her journey. Therefore, for the present, he returned answer, " that his dearest consort the Queen, and his " dear daughter the Princess Mary, being then upon " their departure for Holland, he could not have so " good time to consider of a particular answer for a " matter of so great weight, as that was ; and there- " fore he would respite the same till his return :" the King intending to accompany the Queen to Dover, and, as soon as she was embarked, to return. They received this answer with their usual impatience, and the next day sent messengers to him, with that which they called an humble petition ; in which they told him, " that they had, with a great deal of grief, re- " ceived his answer to their just and necessary petition " concerning the militia of the kingdom ; which, by " a gracious message formerly sent unto them, he had " been pleased to promise should be put into such " hands, as his Parliament should approve of, the ex- " tent of their power, and the time of their continu- " ance, being likewise declared ; the which being now " done, and the persons nominated, his Majesty never- " theless

“ the less reserved his resolution to a longer and a very
“ uncertain time ; which, they said, was as unsatisfactory and destructive as an absolute denial. Therefore, they once again besought him to take their desire into his royal thoughts, and to give them such an answer, as might raise in them a confidence, that they should not be exposed to the practices of those who thirst after the ruin of this kingdom, and the kindling of that combustion in England, which they had in so great a measure effected in Ireland ; from whence, as they were informed, they intended to invade this kingdom, with the assistance of the Papists here. They said, nothing could prevent those evils, nor enable them to suppress the rebellion in Ireland, and secure themselves, but the instant granting of that their petition ; which, they hoped, his Majesty would not deny to those, who must, in the discharge of their duty to his Majesty and the commonwealth, represent unto him, what they found so absolutely necessary for the preservation of both ; which the laws of God and man enjoined them to see put in execution, as several counties by their daily petitions desired them to do, and in some places begun already to do it of themselves.” Notwithstanding all that importunity, the King made no other answer than formerly he had done, “ that he would give a full answer at his return from Dover.”

In the mean time, the House of Commons, to whom every day petitions are directed by the several counties of England, professing all allegiance to them, govern absolutely, the Lords concurring, or rather submitting, to whatsoever is proposed ; insomuch as

The Lords bail the twelve Bishops in the Tower, and the Commons recommit them.

Divers counties enter upon exercising the power of the militia.

when they had bailed the twelve Bishops, who were in the Tower for the treason of their protestation, which they did the next day after the bill was passed, for taking away their votes, the House of Commons in great indignation expostulated with them, and caused them immediately again to be recommitted to the Tower. So they gave their private intimations to their correspondents in the counties, that they should make small entries upon the militia; which was done in many places, the people choosing their officers, and listing themselves, and so training and exercising under the names of volunteers; whereby they had opportunity to unite themselves, to know their confederates, observe those who were of other opinions, and to provide arms and ammunition against they should have occasion. The Tower of London was at their devotion, and Hull was their own; the Mayor of that place having been lately sent for and reprehended, for having said, "that they ought "not to have soldiers billeted upon them by the "Petition of Right, and for refusing to submit that "town, which was his charge, to the government of "Mr. Hotham;" and after a tedious and chargeable attendance, without being brought to a public hearing, he was persuaded to submit; and so was discharged.

Money raised under pretence of relieving Ireland.

Then they fell to raising of money under pretence of the relief of Ireland, and, for that purpose, prepared "an act for the payment of four hundred thousand "pounds to such persons as were nominated by themselves, and to be disbursed and issued in such manner, and to such uses, as the two Houses should direct, which the King confirmed accordingly;" whereby they had a stock of credit to raise monies,

when-

whensoever they found themselves put to it : and this could not be prevented ; for the King having committed the carrying on the war of Ireland to them, and they being engaged both for the payment of the arrears to the officers of the northern army disbanded the summer before, and of the three hundred thousand pounds to the Scots, his Majesty was necessitated to pass the act with such general clauses, that it might be in their power to divert the money to other uses than those to which it was given ; as it afterwards fell out.

The Queen being shipped for Holland, his Majesty returned to Greenwich, whither he had sent to the Marquis of Hertford to bring the Prince of Wales from Hampton-Court to meet him ; of which as soon as the Houses were advertised, they sent a message to the King, who was upon his way from Dover, to desire him, “ that the Prince might not be removed from Hampton-Court, for that they conceived his removal at that time might be a cause to promote jealousies and fears in the hearts of his good subjects, which they thought necessary to avoid ;” and, at the same time, sent an express order to the Marquis of Hertford, “ to require him not to suffer the Prince to go to Greenwich :” but his Lordship, choosing rather to obey the King’s commands than theirs, carried his Highness to his father ; of which the Houses no sooner were informed, than they sent some members of both Houses to Greenwich, “ to bring the Prince from thence to London.” But when they came thither, they found the King, whom they did not expect there ; and so made no attempt to perform that command. The reason of this extravagancy (besides their natural humour to affront

The Queen
shipped for
Holland,
the King re-
turns to
Greenwich,
where the
Prince
meets him.

the King, and this seeming care of the Prince was a popular thing) was pretended to be an information they had received from a member of the House.

There was one Griffith, a young Welshman, of no parts or reputation, but for eminent licence ; this youth had long, with great boldnes, followed the Court, and pretended to preferment there ; and so in the House had always opposed, as far as not consenting, all the undutiful acts towards the King, and, upon this stock of merit, had pressed more confidently for a reward ; and, when the Queen was ready to take shipping at Dover for Holland, he bare-faced importuned her to mediate to the King, “ that “ he might be forthwith admitted of the Prince’s “ Bedchamber :” the which her Majesty refusing, he told his companions, “ that since he could not render “ himself considerable by doing the King service, “ he would be considerable by doing him disservice :” and so made great haste to London, and openly in the House told them, (the same day that the Prince was to go to Greenwich), “ that if they were not exactly care-“ ful, they would speedily lose the Prince ; for, to his “ knowledge, there was a design and resolution imme-“ diately to carry him into France.” From which senseless and groundless information, he was taken into their favour ; and, his malice supplying the defect of other parts, was thenceforth taken into trust, and used as their *Bravo* to justify all their excesses in taverns and ordinaries. And I saw Mr. Hambden, shortly after this discovery, take him in his arms, telling him, “ his soul rejoiced to see, that God had put “ it into his heart to take the right way.”

To their message the King sent them word, “ That “ to their fears and jealousies he knew not what an-
“ swer

“ fwer to give, not being able to imagine from what
“ grounds they proceeded ; but if any information
“ had been given to them to cause those apprehen-
“ sions, he much desired the same might be examined
“ to the bottom ; and then he hoped that their fears
“ and jealousies would be hereafter continued only
“ with reference to his Majesty’s rights and honour.”

The Queen being gone, and the Prince come to his father at Greenwich, the King sent an answer to the two Houses concerning the militia ; “ that having, with his best care and understanding, perused and considered that, which had been sent him from both Houses, for the ordering the militia to be made an ordinance of Parliament by the giving his royal assent, as he could by no means do it for many reasons, so he did not conceive himself obliged to it by any promise made to them in his answer to their former petition. He said, he found great cause to except against the preface, or introduction to that order ; which confessed a most dangerous and desperate design upon the House of Commons of late, supposed to be an effect of the bloody counsels of Papists, and other ill-affected persons, by which many might understand (looking upon other printed papers to that purpose) his own coming in person to the House of Commons on the fourth of January, which begot so unhappy a misunderstanding between him and his people. And for that, though he believed it, upon the information since given him, to be a breach of their privileges, and had offered, and was ready, to repair the same for the future, by any act should be desired from his Majesty ; yet he must declare, and require to be believed, that he had no other design upon

The King’s further answer concerning the militia.

“ upon that House, or any member of it, than to require, as he did, the persons of those five gentlemen he had before accused of high treason, and to declare that he meant to proceed against them legally and speedily; upon which he believed that House would have delivered them up.

“ He called the Almighty God to witness, that he was so far from any intention, or thought, of force or violence, although that House had not delivered them according to his demand, or in any case whatsoever, that he gave those his servants, and others, who then waited on his Majesty, express charge and command, that they should give no offence unto any man; nay, if they received any provocation or injury, that they should bear it without return; and he neither saw, nor knew, that any person of his train had any other weapons, but his pensioners and guard, those with which they usually attend his person to Parliament; and the other gentlemen, swords. And therefore he doubted not, but the Parliament would be regardful of his honour therein, that he should not undergo any imputation by the rash and indiscreet expressions of any young men then in his train, or by any desperate words uttered by others, who might mingle with them without his consent or approbation.

“ For the persons nominated to be the Lieutenants of the several counties of England and Wales, he said, he was contented to allow that recommendation; only concerning the city of London, and such other corporations as by ancient charters had granted to them the power of the militia, he did not conceive that it could stand with justice or policy to alter their government in that particular. And “ he

“ he was willing forthwith to grant to every one
“ of them, that of London and other corporations
“ excepted, such commissions, as he had granted this
“ Parliament to some Lords Lieutenants by their ad-
“ vice. But if that power were not thought enough,
“ but that more should be thought fit to be granted
“ to those persons named, than, by the law, is in the
“ Crown itself, he said, he thought it reasonable that
“ the same should be by some law first vested in him,
“ with power to transfer it to those persons; which he
“ would willingly do: and whatever that power
“ should be, to avoid all future doubts and questions,
“ he desired it might be digested into an act of Par-
“ liament, rather than an ordinance; so that all his
“ subjects might thereby particularly know, both what
“ they were to do, and what they were to suffer for
“ their neglect; that so there might be the least lati-
“ tude for them to suffer under any arbitrary power
“ whatsoever.

“ To the time desired for the continuance of the
“ powers to be granted, he said, he could not consent
“ to divest himself of the just power, which God, and
“ the laws of the kingdom, had placed in him for the
“ defence of his people, and to put it into the hands
“ of others for any indefinite time. And since the
“ ground of their request to him was to secure their
“ present fears and jealousies, that they might with
“ safety apply themselves to his message of the twen-
“ tieth of January, he hoped that his grace to them
“ since that time, in yielding to so many of their de-
“ sires, and in agreeing to the persons now recom-
“ mended to him, and the power before expressed to
“ be placed in them, would wholly dispel those fears
“ and jealousies; and he assured them, that as he had
“ applied

“ applied this unusual remedy to their doubts ; so, if
“ there should be cause, he would continue the same
“ to such time, as should be agreeable to the same
“ care he now expressed towards them.

“ He said, he was so far from receding from any
“ thing he had promised, or intended to grant in his
“ former answer, that he had hereby consented to all
“ that had been then asked of him by that petition,
“ concerning the militia of the kingdom, except that
“ of London, and the other corporations ; which was,
“ to put the same into the hands of such persons, as
“ should be recommended to him by both Houses of
“ Parliament. And he doubted not but they, upon
“ well weighing the particulars of that his answer,
“ would find the same more satisfactory to their ends,
“ and the peace and welfare of all his good subjects,
“ than the way propofed by that intended ordinance ;
“ to which, for those reasons, he could not consent.

“ And whereas he observed by their late petition,
“ that in some places, foime persons begun already to
“ intermeddle of themselves with the militia, he said,
“ he expected his Parliament should examine the par-
“ ticulars thereof, it being a matter of high concern-
“ ment, and very great consequence. And he re-
“ quired, that if it should appear to them, that any
“ person whatsoever had presumed to command the
“ militia without lawful authority, they might be pro-
“ ceeded against according to law.”

Votes of
both
Houses
upon it.

It seems this was not the answer they promised
themselves ; for, at the publishing it, they were mar-
vellously transported, and immediately voted, both
Houses concurring in it, “ That thofe, who advised
“ his Majesty to give that answer, were enemies to
“ the State, and mischievous projectors against the
“ defence

“ defence of the kingdom : that that denial was of
“ that dangerous consequence, that if his Majesty
“ should persist in it, it would hazard the peace and
“ safety of all his kingdoms, unless some speedy re-
“ medy were applied by the wisdom and authority of
“ both Houses of Parliament : and that such parts of
“ the kingdom, as had already put themselves into a
“ posture of defence against the common danger, had
“ done nothing but what was justifiable, and was ap-
“ proved by both Houses.” And having caused these,
and such other resolutions to be immediately published in print, that their friends abroad might know
what they had to do, they sent a committee of both
Houses to the King at Theobalds with another petition ; in which they told him, “ that their just apprehensions of sorrow and fear, in respect of the public dangers and miseries like to fall upon his Majesty and the kingdom, were much increased upon the receipt of his unexpected denial of their most humble and necessary petition concerning the militia of the kingdom ; and that they were especially grieved, that wicked and mischievous counsellors should still have that power with him, as in that time of approaching and imminent ruin, he should rather incline to that, which was apt to further the accomplishment of the desires of the most malignant enemies of God’s true religion, and of the peace and safety of himself, and his kingdom, than to the dutiful and faithful counsel of his Parliament. Wherefore, they said, they were enforced in all humility to protest, that, if his Majesty should persist in that denial, the dangers and distempers of the kingdom were such, as would endure no longer delay : but unless

A petition
of both
Houses to
the King at
Theobalds.

“ unless he should be graciously pleased to assure them
“ by those messengers, that he would speedily apply
“ his royal assent to the satisfaction of their former
“ desires, they should be enforced, for the safety of his
“ Majesty and his kingdoms, to dispose of the militia
“ by the authority of both Houses, in such a manner
“ as had been propounded to him ; and they resolved
“ to do it accordingly.

“ They likewise most humbly besought his Majesty
“ to believe, that the dangerous and desperate design
“ upon the House of Commons, mentioned in their
“ preamble, was not inserted with any intention to
“ cast the least asperion upon his Majesty ; but there-
“ in they reflected upon that malignant party, of
“ whose bloody and malicious practices they had so
“ often experience, and from which they could never
“ be secure, unless his Majesty would be pleased to
“ put from him those wicked and unfaithful counse-
“ lors, who interposed their own corrupt and malicious
“ designs betwixt his Majesty’s goodness and wis-
“ dom, and the prosperity and contentment of him-
“ self, and of his people : and that for the dispatch of
“ the great affairs of the kingdom, the safety of his
“ person, the protection and comfort of his subjects,
“ he would be pleased to continue his abode near to
“ London, and the Parliament ; and not to withdraw
“ himself to any the remoter parts, which if he
“ should do, must needs be a cause of great danger
“ and distraction.

“ That he would likewise be graciously pleased to
“ continue the Prince’s Highness in those parts at
“ St. James’s, or any other of his houses near London ;
“ whereby the designs, which the enemies of the reli-
“ gion,

“ gion, and peace of the kingdom, might have upon
 “ his person, and the jealousies and fears of his people
 “ might be prevented.

“ And they besought him to be informed by them,
 “ that, by the laws of the kingdom, the power of rais-
 “ ing, ordering, and disposing of the militia within any
 “ city, town, or other place, could not be granted to
 “ any corporation by charter, or otherwise, without the
 “ authority and consent of Parliament : and that those
 “ parts of the kingdom, which had put themselves in
 “ a posture of defence against the common danger,
 “ had therein done nothing but according to the de-
 “ claration and direction of both Houses, and what
 “ was justifiable by the laws of the kingdom. All
 “ which their most humble counsel and desires they
 “ prayed him to accept, as the effect of that duty and
 “ allegiance, which they owed unto him, and which
 “ would not suffer them to admit of any thoughts, in-
 “ tentions, or endeavours, but such as were necessary
 “ and advantageous for his greatness, and honour, and
 “ the safety and prosperity of the kingdom, according
 “ to that trust and power, which the laws had repos'd
 “ in them.”

As soon as the petition was read, the King told them ^{The King's} ~~present an-~~
 that presented it, “ That he was so much amazed at ~~an-~~
 “ their message, that he knew not what to answer.
 “ He said they spoke of jealousies and fears ; but he
 “ desired them to lay their hands to their hearts, and
 “ ask themselves, whether he might not likewise be
 “ disturbed with fears and jealousies ? and if so, he
 “ assured them, that message had nothing lessened
 “ them.

“ For the militia, he said, he had thought so much
 “ of it before he sent his answer, and was so well af-
 “ fured

“ fured that the answer was agreeable to what, in juf-
“ tice or reason, they could ask, or he in honour
“ grant, that he should not alter it in any point.

“ For his residence near them, he said, he wished it
“ might be so safe and honourable, that he had no
“ cause to absent himself from Whitehall: he bid
“ them ask themselves, whether he had not? For
“ his son, he said, he should take that care of him,
“ which should justify him to God, as a father; and
“ to his dominions, as a king. To conclude, he af-
“ fured them upon his honour, that he had no thought
“ but of peace and justice to his people; which he
“ would by all fair means seek to preserve and main-
“ tain, relying upon the goodnes and providence
“ of God for the preservation of himself, and his
“ rights.”

This, being suddenly, and with more than usual quickness, spoken by the King, much appalled them; but they were too far engaged to retire; and therefore, as soon as it was reported to the Houses, they

The resolution of both Houses upon it: resolved, upon debate, “ that the kingdom should be forthwith put into a posture of defence, by authority of both Houses, in such a way as had been formerly agreed upon by both Houses; and that a declaration should be speedily sent unto the King, containing the causes of their just fears and jealousies, and to make it evident that any that were entertained against them were groundles;” ordering at the same time, “ that all the Lords Lieutenants of any counties in England, who had been formerly so constituted by the King by his commissions under the great Seal of England, should immediately bring in those commissions to be cancelled as illegal:” albeit some such commissions had been granted, upon their

their own desire, since the beginning of the Parliament, as particularly to the Earl of Essex to be Lord Lieutenant of Yorkshire, and to the Earl of Salisbury for Dorsetshire.

Then both Houses sent to the Earl of Northumberland, being high Admiral of England, “ that they had received advertisement of extraordinary preparations made, by the neighbouring Princes, both by land and sea ; by which an apprehension was raised in both Houses, that the public honour, peace, and safety of his Majesty, and his kingdom, could not be secured, unless a timely course was taken for the putting the kingdom into a condition of defence at sea, as well as at land : and they did therefore order him forthwith to give effectual direction, that all the ships belonging to his Majesty’s navy, and fit for service, and not already abroad, or designed for the summer’s fleet, should be rigged, and put in such a readines, as that they might be soon fitted for the sea : and that his Lordship would also make known to the masters and owners of other ships, in any of the harbours of the kingdom, as might be of use for the public defence, that it would be an acceptable service to the King and Parliament, if they would likewise cause their ships to be rigged, and so far put into a readines, as they might, at a short warning, likewise be set to sea upon any emergent occasion ; which would be a means of great security to his Majesty and his dominions.” To which the Earl returned an answer full of submission and obedience.

I have been assured from persons of very good credit, and conversant with those councils, that they had in deliberation and debate to send, and take the Prince from his father at Theobalds by force : but that de-

Their declaration to his Majesty.

sign was quickly laid aside, when they heard that the King was removed from thence to Newmarket, and was like to make a further progress. So they used all possible expedition in preparing their declaration ; which they directed to his Majesty, and in which they told him, “ that although that answer, he had given “ to their petition at Theobalds, did give just cause of “ sorrow to them ; yet it was not without some mix-“ ture of confidence and hope, considering those ex-“ pressions proceeded from the misapprehensions of “ their actions and intentions ; which, having no “ ground of truth or reality, might, by his justice and “ wisdom, be removed, when he should be fully in-“ formed, that those fears and jealousies of theirs, which “ his Majesty thought to be causeless, and without any “ just ground, did necessarily and clearly arise from “ those dangers and distempers, into which the mis-“ chievous and evil councils about him had brought “ the kingdom. And that those other fears and jea-“ lousies, by which his favour, his royal presence, and “ confidence, had been withdrawn from his Parlia-“ ment, had no foundation, or subsistence in any ac-“ tion, intention, or miscarriage of theirs ; but were “ merely grounded upon the falsehood and malice of “ those who, for the supporting and fomenting their “ own wicked designs against the religion and peace of “ the kingdom, did seek to deprive his Majesty of the “ strength and the affection of his people ; and them “ of his grace and protection ; and thereby to subject “ both his person, and the whole kingdom, to ruin “ and destruction.

“ That, to satisfy his Majesty’s judgment and con-“ science in both those points, they desired to make a “ free and clear declaration of the causes of their “ fears and jealousies, in some particulars.

i. “ That

1. " That the design of altering religion, in this
" and his other kingdoms, had been potently carried
" on, by those in greatest authority about him, for di-
" vers years together : and that the Queen's agent at
" Rome, and the Pope's agent, or nuncio, here, were
" not only evidences of that design, but had been
" great actors in it.

2. " That the war with Scotland was procured to
" make way for that intent, and chiefly fomented by
" the Papists, and others popishly affected, whereof
" they had many evidences, especially their free and
" general contribution to it.

3. " That the rebellion in Ireland was framed and
" contrived here in England ; and that the English
" Papists should have risen about the same time, they
" had several testimonies and advertisements from Ire-
" land ; and that it was a common speech amongst
" the rebels, (with which, they said, other evidences
" did concur, as the information of a minister who
" came out of Ireland ; the letter of one Tristram
" Whetcomb in Ireland to his brother in England,
" and many others), that they would recover unto his
" Majesty his royal prerogative, wrested from him by
" the Puritan faction in the Houses of Parliament in
" England ; and would maintain episcopal jurisdic-
" tion, and the lawfulness thereof ; which, they said,
" were the two quarrels, upon which his late army in
" the North should have been incensed against them.

4. " The cause they had to doubt that the late
" design, styled the Queen's pious intention, was for
" the alteration of religion in this kingdom, for suc-
" cess whereof the Pope's nuncio (the Count Rosetti)
" enjoined fasting and praying to be observed every
" week by the English Papists ; which, they said, ap-

“ peared to them by one of the original letters di-
“ rected by him to a priest in Lancashire.

5. “ The boldness of the Irish rebels in affirming
“ they do nothing but by authority from the King ;
“ that they call themselves the Queen’s army ; that the
“ prey and booty they take from the English, they
“ mark with the Queen’s mark ; that their purpose
“ was to come into England, when their busines was
“ done in Ireland ; and sundry other things of that
“ kind, which, they said, were proved by one Oco-
“ nelly, and others ; but especially in the foremen-
“ tioned letter from Tristram Whetcomb, wherein
“ there was this passage, that many other speeches
“ they utter, concerning religion, and our court of
“ England, which he dares not commit to paper.

6. “ The many attempts to provoke his late army,
“ and the army of the Scots, and to raise a faction in
“ the city of London, and other parts of the king-
“ dom. That those, who had been actors in these bu-
“ finesses, had their dependence, their countenance,
“ and encouragement, from the Court ; witness the
“ treason, whereof Mr. Jermyn, and others, stood ac-
“ cused ; who, they said, was transported beyond seas
“ by warrant under his Majesty’s own hand, after he
“ had given assurance to his Parliament, that he had
“ laid a strict command upon his servants, that none
“ of them should depart from Court. And that dan-
“ gerous petition delivered to Captain Leg by his
“ Majesty’s own hand, accompanied with a direction
“ signed with *C. R.*.

7. “ The false and scandalous accusation against
“ the Lord Kimbolton, and the five members of the
“ House of Commons, tendered to the Parliament by
“ his own command, and endeavoured to be justified
“ in

“ in the city by his own presence and persuasion, and
“ to be put in execution upon their persons by his
“ demand of them in the House of Commons, in so
“ terrible and violent a manner, as far exceeded all
“ former breaches of privileges of Parliament acted
“ by his Majesty, or any of his predecessors: and they
“ said, whatever his own intentions were, divers
“ bloody and desperate persons, that attended him,
“ discovered their affections, and resolutions, to have
“ massacred and destroyed the members of that House,
“ if the absence of those persons accused had not, by
“ God’s providence, stopped the giving that *word*,
“ which they expected for the setting them upon that
“ barbarous and bloody act: the listing of officers
“ and soldiers, for a guard at Whitehall, and such
“ other particulars.

8. “ That, after a vote had passed in the House of
“ Commons, declaring that the Lord Digby had ap-
“ peared in a warlike manner at Kingston upon Thames,
“ to the terror and affright of his Majesty’s good sub-
“ jects, and disturbance of the public peace of the
“ kingdom, he should nevertheless be in that credit
“ with his Majesty, as to be sent away by his Majes-
“ ty’s own warrant to Sir J. Pennington to land him
“ beyond seas: from whence he vented his own trai-
“ torous conceptions, that his Majesty should declare
“ himself, and retire to a place of strength; as if he
“ could not be safe amongst his people. Which false
“ and malicious counsel and advice, they said, they
“ had great cause to doubt, made too deep an impre-
“ sion upon his Majesty, considering the course he was
“ pleased to take of absenting himself from his Parlia-
“ ment, and carrying the Prince with him: which

“ seemed to express a purpose in his Majesty to keep
“ himself in a readiness for the acting of it.

9. “ The many advertisements they had from
“ Rome, Paris, Venice, and other parts, that they still
“ expected that his Majesty had some great design in
“ hand, for the altering of religion, and the breaking
“ the neck of his Parliament. That the Pope’s nun-
“ cio had solicited the Kings of France and Spain to
“ lend his Majesty four thousand men apiece, to help
“ to maintain his royalty against the Parliament.
“ And they said, as that foreign force was the most
“ pernicious and malignant design of all the rest ; so
“ they hoped it was, and should always be, farthest
“ from his Majesty’s thoughts ; because no man
“ would believe he would give up his people and
“ kingdom to be spoiled by strangers, if he did not
“ likewise intend to change both his own profession
“ in religion, and the public profession of the king-
“ dom, that so he might be still more assured of those
“ foreign states of the Popish religion for their future
“ support and defence.

“ These, they said, were some of the grounds of
“ their fears and jealousies, which had made them so
“ earnestly implore his royal authority, and protec-
“ tion, for their defence and security, in all the ways
“ of humility and submission ; which being denied by
“ his Majesty, seduced by evil counsel, they did, with
“ sorrow for the great and unavoidable misery and
“ danger, which was thereby like to fall upon his own
“ person, and his kingdoms, apply themselves to the
“ use of that power for the security and defence of
“ both, which, by the fundamental laws and constitu-
“ tions of the kingdom, resided in them ; yet still re-
“ solving

“ solving to keep themselves within the bounds of
“ faithfulness and allegiance to his sacred person, and
“ crown.

“ To the fears and jealousies expressed by his Ma-
“ jesty, when he said, that for his residence near the
“ Parliament, he wished it might be so safe and ho-
“ nourable, that he had no cause to absent himself
“ from Whitehall : that, they said, they took as the
“ greatest breach of privilege, that could be offered ;
“ as the heaviest misery to himself, and imputation
“ upon them, that could be imagined, and the most
“ mischievous effect of evil counsels ; it rooted up the
“ strongest foundation of the safety and honour the
“ Crown afforded ; it seemed as much as might be,
“ they said, to cast upon the Parliament such a
“ charge, as was inconsistent with the nature of that
“ great council, being the body, of which his Majesty
“ was the head ; it struck at the very being both of
“ the King and Parliament, depriving his Majesty, in
“ his own apprehension, of their fidelity, and them of
“ his protection ; which are the natural bonds and
“ supports of government and subjection.

“ They said, they had, according to his Majesty’s
“ desire, laid their hands upon their hearts ; they had
“ asked themselves in the strictest examination of
“ their consciences ; they had searched their affec-
“ tions, their thoughts, considered their actions ; and
“ they found none, that could give his Majesty any
“ just occasion to absent himself from Whitehall, and
“ his Parliament ; but that he might, with more ho-
“ nour and safety, continue there, than in any other
“ place. They said, his Majesty laid a general tax
“ upon them : if he would be graciously pleased to
“ let them know the particulars, they should give a

“ clear and satisfactory answer. But, they said, they
“ could have no hope of ever giving his Majesty
“ satisfaction, when those particulars, which he had
“ been made believe were true, yet, being produced,
“ and made known to them, appeared to be false; and
“ his Majesty notwithstanding would neither punish
“ nor produce the authors, but go on to contract new
“ fears and jealousies, upon general and uncertain
“ grounds; affording them no means or possibility of
“ particular answer to the clearing of themselves, of
“ which they gave him these instances. 1. The
“ speeches pretended to be spoken at Kensington
“ concerning the Queen, which had been denied and
“ disavowed; yet his Majesty had not named the au-
“ thors. 2. The charge and accusation of the Lord
“ Kimbolton, and the five members, who refused no
“ trial or examination, which might stand with the
“ privileges of Parliament; yet no authors, no wit-
“ ness, were produced, against whom they might
“ have reparation for the great injury, and infamy cast
“ upon them.

“ They besought his Majesty to consider in what
“ state he was, how easy and fair a way he had to
“ happiness, honour, greatness, and plenty, and secu-
“ rity, if he would join with his Parliament, and his
“ faithful subjects, in the defence of the religion, and
“ the public good of the kingdom. That, they said,
“ was all they expected from him, and for that they
“ would return to him their lives, fortunes, and ut-
“ most endeavours to support his Majesty, his just so-
“ vereignty, and power over them. But, they said, it
“ was not words that could secure them in those their
“ humble desires; they could not but too well and
“ sorrowfully remember, what gracious messages they
“ had

“ had from him the last summer ; when, with his pri-
“ vity, the bringing up of the army was in agitation :
“ they could not but with the like affections recall to
“ their minds, how, not two days before he gave di-
“ rection for the aforementioned accusation, and his
“ own coming to the Commons’ House, that House
“ received from him a gracious message, that he would
“ always have care of their privileges, as of his own
“ prerogative ; and of the safety of their persons, as
“ of his own children.

“ They said, that which they expected, and which
“ would give them assurance that he had no thought
“ but of peace, and justice to his people, must be some
“ real effect of his goodness to them, in granting those
“ things, which the present necessity of the kingdom
“ did enforce them to desire. And in the first place,
“ that he would be graciously pleased to put from
“ him those wicked and mischievous counsellors,
“ which had caused all those dangers and distractions ;
“ and to continue his own residence, and the Prince’s,
“ near London, and the Parliament, which, they
“ hoped, would be a happy beginning of contentment,
“ and confidence between him and his people ; and
“ be followed with many succeeding blessings of ho-
“ nour and greatness to his Majesty, and of security
“ and prosperity to them.”

In the debate of this declaration, the like whereof had never before been heard of in Parliament, in which they took his Majesty’s doubt of his safety at White-hall so heavily, that, they said, “ it seemed to cast such “ a charge upon the Parliament, as was inconsistent “ with the nature of that great council,” (so apprehensive they were of the least suspicion of want of freedom), the prevalent party carried themselves with that

that pride and impetuosity, that they would endure no opposition or dispute; insomuch as Sir Ralph Hopton (who indeed was very grievous to them for not complying with them) for objecting against some sharp expressions in the declaration, (before it passed the House, and when the question was, whether it should pass), as being too distant from that reverence, which ought to be used to the King; and for saying, upon a clause, in which they mentioned their general intelligence from Rome, Venice, Paris, and other places, of some design the King had upon religion, and the Parliament, from whence they seemed to conclude that the King would change his religion, “ that “ they seemed to ground an opinion of the King’s “ apostasy upon a less evidence, than would serve to “ hang a fellow for stealing a horse,” was committed to the Tower of London, “ for laying an imputation “ upon that committee, which had drawn up the decla-“ ration.” Notwithstanding which, after they had imprisoned him, they thought fit to make that expression less gross and positive; though, as it is set down above, (in which words it passed, and was delivered to the King), it was thought by standers-by to be very unagreeable to the gravity of a wise court, and to the duty of subjects.

But in this particular, in oppressing all those who were of different opinions from them, their carriage was so notorious and terrible, that spies were set upon, and inquiries made upon all private, light, casual discourses, which fell from those who were not gracious to them: as Mr. Trelawney, a member of the House of Commons, and a merchant of great reputation, was expelled the House, and committed to prison, for having said, in a private discourse in the city, to a friend,

“ that

“ that the House could not appoint a guard for themselves without the King’s consent, under pain of high treason :” which was proved by a fellow, who pretended to overhear him ; when the person himself, with whom the conference was held, declared, “ that he said, it might be imputed to them for high treason :” and it was confessed on all parts, that the words were spoken long before the discovery, and some days before the House had resolved, “ that they would have a guard.” And afterwards, upon the old stock of their dislike, when the war begun to break out, they again imprisoned this honest gentleman ; seized upon all his estate, which was very good ; and suffered him to die in prison for want of ordinary relief and refreshment.

And in this very time, we speak of, and in the very busyness of the militia, when every day very great multitudes of petitions from most of the counties of England, and from the city of London, were presented to both Houses, to desire they might be put into a posture of defence ; and that they would cause the ordinance for the militia to be speedily executed, which was alleged to be an instance of the people’s desire throughout the kingdom, and the chief ground of their proceeding ; the most substantial citizens of London, both in reputation and estate, finding that the militia of that city, with which by their charter, and constant practice, the Lord Mayor had been always intrusted, was now with a most extravagant power to be committed to a number of factious persons of the city, part of whom consisted of men of no fortune, or reputation, resolved to petition both Houses “ not to alter the original constitution and right of their city :” and, to that purpose, a petition was signed

signed by some hundreds, and very probably would in few days have been subscribed by all, or most of the substantial citizens of London. The House had notice of this petition, which they called another conspiracy and plot against the Parliament, and immediately employed a member of their own to procure a sight of it; who, under a trust of redelivering it, got it into his hands, and brought it to the House of Commons; upon which, some principal citizens, who had subscribed it, were examined, and committed to prison; and a direction given, that a charge and impeachment should be prepared against the Recorder of London, who, they heard, had been of council in the drawing up and preparing that petition, and, they knew, was opposite to their tumultuary proceedings. So when the chief gentlemen of Oxfordshire heard, that a petition had been delivered to the House of Commons in their name, and the name of that county, against the established government of the Church, and for the exercise of the militia, they assembled together to draw up a petition disavowing the former, and to desire, "that the settled laws might be observed;" of which the Lord Say having notice, he procured the chief gentlemen to be sent for as delinquents, and so suppressed that address: and this was the measure of their justice in many other particulars of the same nature, receiving and cherishing all mutinous and seditious petitions, and discountenancing such as besought the continuance and vindication of the so long celebrated and happy government in Church and State; the prime leaders of that faction not blushing, in public debates in the House, to aver, "that no man ought to petition for the government established by law, because "he had already his wish; but they that desired an
"alteration,

" alteration, could not otherwise have their desires known ; and therefore were to be countenanced."

The committee, which presented the declaration to the King at Newmarket, presented likewise additional reasons, as they called them, for his Majesty's return, and continuance near the Parliament ; as a matter, in their apprehension, of so great necessity and importance towards the preservation of his person, and his kingdom : and they said,

" They could not think they discharged their duties in the single expression of their desire, unless they added some further reasons to back it with.

" 1. His Majesty's absence would cause men to believe, that it was out of design to discourage the undertakers, and hinder the other provisions for raising money for defence of Ireland. 2. It would very much hearten the rebels there, and disaffected persons in this kingdom, as being an evidence, and effect of the jealousy and division between his Majesty and his people. 3. That it would much weaken and withdraw the affection of the subject from his Majesty ; without which, a Prince is prived of his chiefest strength and lustre, and left naked to the greatest dangers and miseries, that can be imagined. 4. That it would invite and encourage the enemies of our religion and the state in foreign parts, to the attempting, and acting of their evil designs and intentions towards us. 5. That it did cause a great interruption in the proceedings of Parliament. Those considerations, they said, threatened so great dangers to his person, and to all his dominions, that, as his great council, they held it necessary to represent to him this their faithful advice,

“ vice, that so, whatsoever should follow, they might
“ be excused before God and man.”

Whilst that declaration was reading, his Majesty expressed some passion upon particular expressions; and once, when that passage was read, that takes notice “ of the transportation of Mr. Jermyn by his Majesty’s own warrant, after he had given his word, “ that he had commanded that none of his servants “ should depart from Court,” interrupted the Earl of Holland, who read it, and said, “ that’s false;” and when he was told, “ it related not to the date, but the “ execution of the warrant,” his Majesty said, “ It “ might have been better expressed then: it is a high

His Majesty's answer to both. “ thing to tax a King with breach of promise.” But after both the declaration and reasons were read, the King, after a short pause, said to them,

“ I am confident that you expect not I should give
“ you a speedy answer to this strange and unexpected
“ declaration; and I am sorry, in the distraction of
“ this kingdom, you should think this way of address
“ to be more convenient, than that propounded by my
“ message of the twentieth of January last, to both
“ Houses. As concerning the grounds of your fears
“ and jealousies, I will take time to answer them par-
“ ticularly; and doubt not but I shall do it to the satis-
“ faction of all the world. God, in his good time, will,
“ I hope, discover the secrets and bottoms of all plots
“ and treasons; and then I shall stand right in the eyes
“ of all my people. In the mean time I must tell
“ you, that I rather expected a vindication for the im-
“ putation laid upon me in Mr. Pym’s speech, than
“ that any more general rumours and discourses should
“ get credit with you. For my fears and doubts, I
“ did

“ did not think they should have been thought so
“ trivial and groundless, whilst so many seditious
“ pamphlets, and sermons, are looked upon, and so
“ great tumults remembered, unpunished and unin-
“ quired into. I still confess my fears, and call God
“ to witness, that they are greater for the true Prote-
“ tant profession, my people and laws, than for my
“ own rights, or safety ; though I must tell you, I
“ conceive none of these are free from danger. What
“ would you have ? Have I violated your laws ? Have
“ I denied to pass any one bill for the ease and secu-
“ rity of my subjects ? I do not ask you what you
“ have done for me. Are my people transported with
“ fears and apprehensions ? I have offered as free and
“ general a pardon as yourselves can devise. There is
“ a judgment from heaven upon this nation, if these
“ distractions continue. God so deal with me, and
“ mine, as all my thoughts, and intentions, are up-
“ right for the maintenance of the true Protestant pro-
“ fession, and for the observation and preservation of
“ the laws of the land : and I hope God will bless
“ and assist those laws for my preservation.”

This being suddenly, and with some vehemence, spoken by his Majesty, and he having taken further time to answer the declaration, and the reasons, the committee besought him, “ since they were to carry back with them no other answer, that his Majesty would vouchsafe to give them what he had spoken in writing ;” which, the next morning, he did : and then the Earl of Holland again desired him, “ that he would reside nearer his Parliament ;” whereunto the King briefly answered, “ I would you had given me cause ; but I am sure this declaration is not the way to it.” Then being asked by the Earl of Pembroke, whether

ther the militia might not be granted, as was desired by the Parliament, for a time ? he answered, “ By God, “ not for an hour. You have asked that of me in this, “ was never asked of a King, and with which I will not “ trust my wife and children.” He told them, “ he “ could not have believed the Parliament would have “ sent him such a declaration, if he had not seen it “ brought by such persons : and said he was sorry “ for the Parliament, but glad he had it ; for by that “ he doubted not to satisfy his people. He said they “ spoke of ill councils ; but he was confident they “ had worse information, than he had councils. He “ told them, the busines of Ireland would never be “ done in the way they were in ; four hundted would “ never do that work ; it must be put into the hands of “ one : and, he said, if he were trusted with it, he “ would pawn his head to end that work.”

As soon as the committee returned, and reported what answer they had received, and in what disposition and temper they found and left the King ; it was ordered, that their declaration, which they had sent to him, should be speedily printed, and carefully dispersed throughout the kingdom, that the people might see upon what terms they stood ; and all other possible courses were taken to poison the hearts and affections of the subjects, and to suppress all those, who, in any degree, seemed to dislike their high proceedings. Above all, care was taken to place such preachers and lecturers in the most populous towns and parishes, as were well known to abhor the present government, and temperature of Church and State ; many of whom were recommended, and positively enjoined, and imposed upon parishes, by the House of Commons ; and others, by such factious members, whose reputation

reputation was most current: and all canonical Clergy-men, and orthodox Divines, were, with equal industry, discountenanced, imprisoned, or forced to a long attendance upon committees, or the House, (which was worse than imprisonment), under the notion and imputation of scandalous ministers. Which charge and reproach reached all men, whose inclinations they liked not, or whose opinions they suspected. And that they might be sure to be as strong and absolute at sea, as at land, they appointed the Lord Admiral to send the names of all those captains of ships, who were to attend the fleet for that summer service, to them, to the end they might have such men, in whom they might confide; which his Lordship most punctually observed. By which they helped to free him of those officers whom he could not plausibly have discharged; and struck out the names of those, whose affections or relations they thought themselves not secure in.

The King thought it now time, according to his former resolution, which he had not communicated to many, to remove to York, which was a place of good reception, and conveniency, for those who were willing to attend him; and, to the end that there might be public notice of it, he sent from Huntington, when he was upon his journey, a message to both Houses: "That, being then in his reⁿov^ee to his city of York, where he intended to make his residence for some time, he thought fit to send that message to them, and very earnestly to desire them, that they would use all possible industry in expediting the business of Ireland; in which they should find so cheerful a concurrence from his Majesty, that no inconvenience should happen to that service by his absence,

The King's
message to
both
Houses in
his way to
York.

" he

“ he having all that passion for the reducing that
“ kingdom, which he had expressed in his former
“ messages, and being, by words, unable to manifest
“ more affection to it, than he had endeavoured to do
“ by those messages: having likewise done all such
“ acts, as he had been moved unto by his Parliament.
“ Therefore, if the misfortunes and calamities of his
“ poor Protestant subjects there should grow upon
“ them, (though he should be deeply concerned in,
“ and sensible of their sufferings), he said, he should
“ wash his hands before the world from the least im-
“ putation of slackness in that most necessary and
“ pious work.

“ And, that he might leave no way unattempted,
“ which might beget a good understanding between
“ him and his Parliament, he said, he thought it ne-
“ cessary to declare, that, as he had been so tender of
“ the privileges of Parliament, that he had been ready
“ and forward to retract any act of his own, which
“ he had been informed had trespassed upon their pri-
“ vileges; so he expected an equal tenderness in them
“ of his known prerogatives, which are the unques-
“ tionable privileges of the kingdom; amongst which,
“ he was assured, it was a fundamental one, that his
“ subjects could not be obliged to obey any act, or-
“ der, or injunction, to which he had not given his
“ consent.

“ And, therefore, he thought it necessary to pub-
“ lish, that he expected, and thereby required, obe-
“ dience from all his loving subjects to the laws es-
“ tablished; and that they presumed not upon any pre-
“ tence of order, or ordinance, to which his Majesty
“ was no party, concerning the militia, or any other
“ thing, to do, or execute what was not warrantable

“ by

“ by those laws ; he being resolved to keep the laws
“ himself, and to require obedience to them from all
“ his subjects.

“ He once more recommended unto them the sub-
“ stance of his message of the twentieth of January
“ last ; that they would compose, and digest with all
“ speed, such acts as they should think fit for the
“ present, and future establishment of their privi-
“ leges, the free and quiet enjoying their estates and
“ fortunes, the liberties of their persons, the security
“ of the true religion then professed in the Church of
“ England, the maintaining his regal and just autho-
“ rity, and settling his revenue ; he being most desir-
“ ous to take all fitting and just ways, which might
“ beget a happy understanding between him and his
“ Parliament, in which he conceived his greatest
“ power and riches did consist.”

I have not known both Houses in more choler and rage, than upon the receiving this message, which came early to them on Wednesday the sixteenth of March. Now the day before had been spent in preparing all things ready for the execution of the ordinance of the militia; they had voted, and resolved, “ that it was not any way against the oath of allegiance, that all the commissions to Lieutenants under the great seal were illegal and void ; and that whosoever should execute any power over the militia by colour of any commission of Lieutenancy, without consent of both Houses of Parliament, should be accounted a disturber of the peace of the kingdom.” Then they agreed upon this proposition, “ That the kingdom had been of late, and still was, in so evident and imminent danger, both from enemies abroad, and a Popish and discontented

“ party at home, that there was an urgent and inevitable necessity of putting his Majesty’s subjects into a posture of defence, for the safeguard both of the King and his people ; and that the Lords and Commons, apprehending that danger, and being sensible of their own duty to provide a suitable prevention, had, in several petitions, addressed themselves to his Majesty for the ordering and disposing the militia of the kingdom in such a way, as was agreed upon, by the wisdom of both Houses, to be most proper for the present exigence of the kingdom : yet they could not obtain it ; but his Majesty did several times refuse to give his royal assent thereunto.” Upon this proposition, they resolved, “ that in that case of extreme danger, and of his Majesty’s refusal, the ordinance agreed on by both Houses for the militia did oblige the people, and ought to be obeyed by the fundamental laws of the kingdom ; and that such persons, as should be nominated Deputy Lieutenants, and approved of by both Houses, should receive the commands of both Houses, to take upon them to execute their offices.”

All which resolutions were ordered, the same night, to be printed and published. So that, when the King’s message from Huntington was read the next morning, and seemed to be against their votes of the day before, they concluded, “ that it could not be sent from the King, but that it had been inserted in blanks left in the town for such purposes ;” and immediately made a committee, “ to find out by whom that message was framed.” But when they remembered, that they had voted as much a week before, and had examined the gentlemen who brought it, and had received it from the King’s own hand, they proceeded

no further in that inquisition; but satisfied themselves with a new vote, "that those persons, who advised his "Majesty to absent himself from the Parliament, and "those that advised him to that mesflage, were enemies "to the peace of the kingdom, and justly to be sus- "pected to be favourers of the rebellion in Ireland." And for the matter itself they resolved to insist upon their former votes; and withal declared, "that when "the Lords and Commons in Parliament, which is "the supreme court of judicature in the kingdom, "should declare what the law of the land is, to have "that not only questioned and controverted, but con- "tradicted, and a command that it should not be "obeyed, was a high breach of the privilege of Par- "liament."

And this likewise they caused to be speedily printed; lest the King should be able to persuade the subjects, that an order of theirs, without his consent, was no law to compel their obedience. And from this last resolution, by which the law of the land, and consequently the liberty of the subject, was resolved into a vote of the two Houses, which passed without any dispute or hesitation, all sober men discerned the fatal period of both, and saw a foundation laid for all the anarchy and confusion that hath followed.

It was now known, that the King was gone to York, ^{Their order concerning Hull.} which made them apprehend their principality of Hull ^{Hull.} might be in danger; and therefore they immediately resolve, "that no forces whatsoever shall be admitted "in that town, without the immediate consent of both "Houses :" which order was sent thither by an express. And having prepared the people to be ready for the militia, by publishing, "that, in case of "extreme danger, they were to obey that ordinance;"

They were, in the next place, to find the danger to be extreme ; and, to that purpose, they produced letters without any name, pretended to be written from Amsterdam, signifying, “ that they had intelligence “ there, that there was an army ready in Denmark to “ be transported into England, and was to be landed “ at Hull ; which, they said, had been confirmed to “ them by a person of reputation, from Newmarket, “ who confirmed the intelligence of Denmark : and “ added, that there were likewise forces ready in France “ to be landed at Hull.”

Of this, how gross and ridiculous soever it appeared to wise men, they made a double use, (besides the general impression in the people), the one to colour and countenance their orders to their governor there ; the other, to make the King’s residence in those parts suspected and grievous, as if he came thither only to bring in foreign forces upon them. With these alarms of foreign forces, they mingled other intelligence of the Papists in England, “ that they had a purpose of making an insurrection ;” and therefore they proceeded in preparing a bill to secure the persons of those of the best quality, and greatest interest, and enjoining the oath of supremacy to be taken with great rigour ; and, amongst other stratagems they had to humble the Papists, I remember, upon an information that they used their Protestant tenants worse in the raising their rents, than they did those of their own religion, there was an order, “ that they should not raise the rents of their tenants, “ above the rates that the Protestant landlords adjoining “ received from their tenants :” by virtue of which, in some places, they undertook to determine what rents their tenants should pay to them. But, in this zeal against the Papists, they could not endure that the

King

King should have any share ; and therefore, when they found, that his Majesty had published a proclamation in his journey towards York, “ commanding all the judges and justices of peace, and other officers, to put in due execution all the laws and statutes of the kingdom, against Popish Recusants, without favour or connivance,” they presently sent for the Sheriffs of London to the House of Commons, and examined them, “ why seven priests, who were in Newgate, and had been long condemned, were not executed ?” the reason whereof they well knew : and when the Sheriffs said, “ that they had received a reprieve for them under the King’s hand,” they published that with great care in their prints, to take off the credit of the new proclamation ; and appointed their messengers, whom they were then sending to the King with a new declaration, to move his Majesty, “ that he would take off his reprieve, and suffer those seven condemned priests to be executed, according to the judgments they had received.”

They proceeded now to provide all necessary means for the raising great sums of money, by the diligent collection of what was granted by former acts, and by a new bill for the raising of four hundred thousand pounds for the payment of the great debts of the kingdom, (by which they meant the remainder of the three hundred thousand pounds, they had bountifully given to their brethren of Scotland), and the support of the war of Ireland : all which monies were to be received, and disposed as the two Houses should direct ; of which though the King saw the danger, that might, and did after ensue thereupon, yet he thought that probable inconvenience and mischief to be less, than that, which the scandal of denying any

thing, upon which the recovery of Ireland seemed to depend, would inevitably bring upon him; and so ratified whatsoever they brought to him of that kind.

They make propositions for adventurers in Ireland.

Amongst other expedients for raising of money for the war of Ireland, about this time, they made certain propositions to encourage men to be adventurers in that traffic, thus: they concluded "that, in so general a rebellion, very much land must escheat to the Crown by the forfeiture of treason, and that, out of such forfeitures, satisfaction might be given to those, who should disburse money towards the suppression of the rebels; so many acres of land to be allowed for so much money, according to the value of the lands in the several provinces, which was specified in the propositions;" which, having passed both Houses, were presented to the King, who (it being about the beginning of February, when the breach of their privileges rung in all men's ears) answered, "that as he had offered, and was still ready to venture, his own person for the recovery of that kingdom, if his Parliament should advise him thereunto; so he would not deny to contribute any other assistance he could to that service, by parting with any profit or advantage of his own there; and therefore, relying upon the wisdom of his Parliament, he did consent to every proposition, now made to him, without taking time to consider and examine, whether that course might not retard the reducing that kingdom, by exasperating the rebels, and rendering them desperate of being received into grace, if they should return to their obedience. And, he said, he would be ready to give his royal assent to such bills, as should be tendered to him by his Parliament for the confirmation of those propositions."

The King consents to them.

Which

Which answer, together with their propositions, they caused forthwith to be printed; made their committees, in all places, to solicit subscriptions, and to receive the monies, the principal and most active persons subscribing first, for the example of others; and delayed the framing and presenting the bill to the King, till they had received great sums of money, and procured very many persons of all conditions to subscribe, many coming in out of pure covetousness to raise great fortunes; five hundred acres of land being assigned for one hundred pound in some counties, and not much under that proportion in others; some out of pure fear, and to win credit with the powerful party, which made this new project a measure of men's affections, and a trial how far they might be trusted, and relied on.

Then they sent those propositions digested into a bill to the King, with such clauses of power to them, and diminution of his own, that, upon the matter, he put the making a peace with the rebels there out of his power, though upon the most advantageous terms; which he was likewise necessitated to pass.

But notwithstanding all these preparations on this side the sea, the relief and provision was very slowly supplied to the other side: where the rebels still increased in strength, and by the fame of these propositions enlarged their power, very many persons of honour and fortune, who till then had sat still, and either were, or seemed to be, averse to the rebellion, joining with them, as being desperate, and conceiving the utter suppressing their religion, and the very extirpation of their nation, to be decreed against them. And, without doubt, the great reformers here were willing enough to drive them to any extremity, both out

The King
passes a bill
to that pur-
pose.

out of revenge and contempt, as a people easy to be rooted out, and that the war might be kept up still ; since they feared an union in that kingdom might much prejudice their designs in this, both as it might supply the King with power, and take away much of theirs ; whereas now they had opportunity, with reference to Ireland, to raise both men and money, which they might be able to employ upon more pressing occasions, as they will be found afterwards to have done. Neither was it out of their expectation and view, that, by the King's consenting to that severe decree, he might very probably discourage his Catholic subjects, in his other dominions, from any extraordinary acts of duty and affection : at least, that it would render him less considered by most Catholic Princes. And they knew well what use to make of any diminution of his interest or reputation. These matters thus settled, for the ease of the two Houses, who were now like to have much to do, they appointed the whole business of Ireland to be managed by commission under the great seal of England, by four Lords, and eight Commoners, whom they recommended to the King, and who were always to receive instructions from themselves. And in this state and disposition were the affairs of Ireland, when the King went to York, where let us now resort to him.

THE
HISTORY
OF THE
REBELLION, &c.

BOOK V.

ISAIAH iii. 12.

As for my people, children are their oppressors, and women rule over them : O my people, they which lead thee cause thee to err, and destroy the way of thy paths.

AS soon as the King came to York, which was about the end of the year 1641, and found his reception there to be equal to his expectation, the gentry, and men of ability of that great and populous county, (some very few excepted), expressing great alacrity for his Majesty's being with them, and no less sense of the insolent proceedings of the Parliament; thereupon, he resolved to treat with the two Houses in another manner than he had done, and to let them clearly know, " that as he would deny them nothing that " was fit for them to ask, so he would yield to nothing " that was unreasonable for him to grant ; and that " he would have nothing extorted from him, that he " was not very well inclined to consent to." So, within few days after his coming thither, he sent them

a De-

a Declaration (which he caused to be printed, and, in the frontispiece, recommended to the consideration of all his loving subjects) in answer to that presented to him at Newmarket some days before : he told them,

His Majes-
ty's Decla-
ration from
York,
March 9,
1641.

" That, though that Declaration, presented to him at Newmarket from both Houses of Parliament, was of so strange a nature, in respect of what he expected, (after so many acts of grace and favour to his people), and some expressions in it so different from the usual language to princes, that he might well take a very long time to consider it ; yet the clearness and uprightness of his conscience to God, and love to his subjects, had supplied him with a speedy answer ; and his unalterable affection to his people prevailed with him to suppress that passion, which might well enough become him upon such invitation. He said, he had reconsidered his answer of the first of that month at Theobalds, which was urged to have given just cause of sorrow to his subjects : but, he said, whoever looked over that message, (which was in effect to tell him, that if he would not join with them in an act, which he conceived might prove prejudicial and dangerous to him, and the whole kingdom, they would make a law without him, and impose it upon his people), would not think that sudden answer could be excepted to. He said, he had little encouragement to replies of that nature, when he was told of how little value his words were like to be with them, though they came accompanied with all the actions of love and justice, (where there was room for actions to accompany them) ; yet he could not but disavow the having any such evil counsel, or counsellors about him, to his knowledge, as were mentioned

“ tioned by them ; and, if any such should be discovered, he would leave them to the censure and judgment of his Parliament. In the mean time he could wish, that his own immediate actions, which he did avow, and his own honour, might not be so roughly censured and wounded, under that common style of evil counsellors. For his faithful and zealous affection to the true Protestant profession, and his resolution to concur with his Parliament in any possible course for the propagation of it, and the suppression of Popery, he said he could say no more than he had already expressed in his Declaration to all his loving subjects, published in January last, by the advice of his Privy Council ; in which he endeavoured to make as lively a confession of himself in that point as he was able, being most assured, that the constant practice of his life had been answerable thereunto : and therefore, he did rather expect a testimony, and acknowledgment of such his zeal and piety, than those expressions he met with in that Declaration of any design of altering religion in this kingdom. And he said, he did, out of the innocence of his soul, wish, that the judgments of Heaven might be manifested upon those, who have or had any such design.

“ As for the Scots’ troubles, he told them, he had thought, that those unhappy differences had been wrapped up in perpetual silence by the Act of Oblivion ; which, being solemnly passed in the Parliaments of both kingdoms, stopped his own mouth from any other reply, than to shew his great dislike for reviving the memory thereof. He said, if the rebellion in Ireland, so odious to all Christians, seemed to have been framed and maintained in England,

“ England, or to have any countenance from hence,
“ he conjured both his Houses of Parliament, and all
“ his loving subjects whatsoever, to use all possible
“ means to discover and find such out, that he might
“ join in the most exemplary vengeance upon them,
“ that could be imagined. But, he told them, he must
“ think himself highly and causelessly injured in his
“ reputation, if any declaration, action, or expression
“ of the Irish rebels ; any letters from the Count Ro-
“ zetti to the Papists, for fasting and praying; or from
“ Trifram Whetcomb, of strange speeches uttered in
“ Ireland, should beget any jealousy or misapprehen-
“ sion in his subjects of his justice, piety, and affec-
“ tion : it being evident to all understandings, that
“ those mischievous and wicked rebels are not so ca-
“ pable of great advantage, as by having their false
“ discourses so far believed, as to raise fears and jea-
“ lousies to the distraction of this kingdom ; the only
“ way to their security. He said, he could not express
“ a deeper sense of the sufferings of his poor Protec-
“ tant subjects in that kingdom, than he had done in
“ his often messages to both Houses ; by which he
“ had offered, and was still ready, to venture his royal
“ person for their redemption ; well knowing, that as
“ he was, in his own interests, more concerned in them ;
“ so he was to make a strict account to Almighty
“ God for any neglect of his duty, or their preserva-
“ tion.

“ For the manifold attempts to provoke his late
“ army, and the army of the Scots, and to raise a fac-
“ tion in the city of London, and other parts of the
“ kingdom, if it were said as relating to him, he could
“ not without great indignation suffer himself to be
“ reproached to have intended the least force, or
“ threat-

“ threatening to his Parliament ; as the being privy
“ to the bringing up the army would imply. Where-
“ as, he called God to witness, he never had any such
“ thought, nor knew of any such resolution concern-
“ ing his late army. For the petition shewed to him
“ by Captain Leg, he said, he well remembered the
“ same, and the occasion of that conference. Cap-
“ tain Leg being lately come out of the North, and
“ repairing to him at Whitehall, his Majesty asked
“ him of the state of his army ; and, after some rela-
“ tion of it, he told his Majesty, that the commanders
“ and officers of the army had a mind to petition the
“ Parliament, as others of his people had done, and
“ shewed him the copy of a petition ; which he read,
“ and finding it to be very humble, desiring the Par-
“ liament might receive no interruption in the re-
“ formation of Church and State, to the model of
“ Queen Elizabeth’s days, his Majesty told him, that
“ he saw no harm in it ; whereupon Captain Leg re-
“ plied, that he believed all the officers of the army
“ would like it ; only, he thought, Sir Jacob Ashly
“ would be unwilling to sign it, out of fear that it
“ would displease him. His Majesty then read the
“ petition over again ; and observing nothing in mat-
“ ter or form he conceived could possibly give just
“ cause of offence, he delivered it to him again, bid-
“ ding him give it to Sir Jacob Ashly, for whose fa-
“ tisfaction he writ C. R. upon it, to testify his ap-
“ probation ; and he wished that the petition might
“ be seen and published, and then he believed it
“ would appear no dangerous one, nor a just ground
“ for the least jealousy or misapprehension.

“ For Mr. Jermyn, he said, it was well known that
“ he was gone from Whitehall, before he received
“ the

“ the desire of both Houses for the restraint of his
“ servants ; neither returned he thither, or passed
“ over by any warrant granted by him after that time.
“ For the breach of privilege in the accusation of the
“ Lord Kimbolton, and the five members of the
“ House of Commons, he told them, he thought, he
“ had given so ample satisfaction in his several mes-
“ sages to that purpose, that it should have been no
“ more pressed against him ; being confident, if the
“ breach of privilege had been greater than ever had
“ been before offered, his acknowledgment and re-
“ tractation had been greater than ever King had
“ given : besides the not examining how many of his
“ privileges had been invaded in defence and vindica-
“ tion of the other. And, therefore, he hoped his
“ true and earnest protestation in his answer to their
“ order concerning the militia, would so far have fa-
“ tisfied them of his intentions then, that they would
“ no more have entertained any imagination of any
“ other design, than he there exprefled. But why
“ the listing so many officers, and entertaining them
“ at Whitehall, should be misconstrued, he said, he
“ much marvelled, when it was notoriously known the
“ tumults at Westminſter were ſo great, and their de-
“ meanour ſo scandalous and feditious, that he had
“ good caufe to ſuppoſe his own perfon, and thoſe of
“ his wife and children, to be in apparent danger ;
“ and therefore he had great reaſon to appoint a guard
“ about him, and to accept the dutiful tender of the
“ ſervices of any of his loving ſubjects, which was all
“ he did to the gentlemen of the Inns of Court.

“ For the Lord Digby, he affured them in the
“ word of a King, that he had his warrant to paſſ the
“ feas, and had left his court, before ever he heard of
“ the

“ the vote of the House of Commons, or had any cause to imagine that his absence would have been excepted against. What their advertisements were from Rome, Venice, Paris, and other parts, or what the Pope’s nuncio solicits the Kings of France and Spain to do, or from what persons such informations come to them, or how the credit and reputation of such persons had been sifted and examined, he said, he knew not ; but was confident no sober honest man in his kingdoms could believe, that he was so desperate, or so senseless, to entertain such designs, as would not only bury this his kingdom in sudden distraction and ruin, but his own name and posterity in perpetual scorn and infamy. And therefore, he said, he could have wished in matters of so high and tender a nature, wherewith the minds of his good subjects must needs be startled, all the expressions had been so plain and easy, that nothing might stick with them that reflected upon his Majesty ; since they thought fit to publish it at all.

“ And having now dealt thus plainly and freely with them, by way of answer to the particular grounds of their fears, he said, he hoped, upon a due consideration and weighing of both together, they would not find the grounds to be of that moment to beget, or longer to continue, a misunderstanding between them ; or force them to apply themselves to the use of any other power, than what the law had given them : the which he always intended should be the measure of his own power, and expected it should be the rule of his subjects’ obedience.

“ Concerning his own fears and jealousies, as he
VOL. I. P. 2. “ had

“ had no intention of accusing them, so he said, he
“ was sure no words spoken by him on the sudden at
“ Theobalds would bear that interpretation. He had
“ said, for his residence near them, he wished it might
“ be so safe and honourable, that he had no cause to
“ absent himself from Whitehall; and how that could
“ be a breach of privilege of Parliament he could not
“ understand. He said, he had explained his mean-
“ ing in his answer at Newmarket, at the presentation
“ of that declaration, concerning the printed seditious
“ pamphlets, and sermons, and the great tumults at
“ Westminster: and he said, he must appeal to them,
“ and all the world, whether he might not justly sup-
“ pose himself in danger of either. And if he were
“ now at Whitehall, he asked them, what security he
“ had, that the like should not be again? especially
“ if any delinquents of that nature had been appre-
“ hended by the ministers of justice, and had been
“ rescued by the people, and so as yet had escaped
“ unpunished. He told them, if they had not yet
“ been informed of the seditious words used in, and
“ the circumstances of those tumults, and would ap-
“ point some way for the examination of them, he
“ would require some of his learned council to attend
“ with such evidence as might satisfy them; and till
“ that were done, or some other course should be
“ taken for his security, he said, they could not with
“ reason wonder, that he intended not to be, where
“ he most desired to be.

“ He asked them, whether there could yet want
“ evidence of his hearty and importunate desire to
“ join with his Parliament, and all his faithful sub-
“ jects, in defence of the religion, and public good of
“ the kingdom? Whether he had given them no
“ other

“ other earnest but words, to secure them of those de-
“ fires ? He told them the very remonstrance of the
“ House of Commons (published in November last)
“ of the state of the kingdom allowed him a more
“ real testimony of his good affections, than words ;
“ that remonstrance valued his acts of grace and jus-
“ tice at so high a rate, that it declared the kingdom
“ to be then a gainer, though it had charged itself, by
“ bills of subsidies and poll-money, with the levy
“ of six hundred thousand pounds, besides the con-
“ tracting a debt of two hundred and twenty thou-
“ sand pounds more to his subjects of Scotland. He
“ asked them, whether the bills for the triennial Par-
“ liament, for relinquishing his title of imposing upon
“ merchandize, and power of pressing of soldiers, for
“ the taking away the Star-Chamber and High-Com-
“ mission Courts, for the regulating the Council
“ Table, were but words ? whether the bills for the
“ Forests, the Stannary Courts, the Clerk of the
“ Market, and the taking away the votes of Bishops
“ out of the Lords’ House, were but words ? Lastly,
“ what greater earnest of his trust, and reliance on his
“ Parliament, could he give, than the passing the bill
“ for the continuance of this present Parliament ?
“ The length of which, he said, he hoped, would
“ never alter the nature of Parliaments, and the con-
“ stitution of this kingdom ; or invite his subjects so
“ much to abuse his confidence, as to esteem any
“ thing fit for this Parliament to do, which were not
“ fit, if it were in his power to dissolve it to-morrow.
“ And after all these, and many other acts of grace
“ on his part, that he might be sure of a perfect re-
“ conciliation between him and all his subjects, he
“ had offered, and was still ready to grant, a free and

“ general pardon, as ample as themselves should think
“ fit. Now if those were not real expressions of the
“ affections of his soul for the public good of this
“ kingdom, he said, he must confess that he wanted
“ skill to manifest them.

“ To conclude: although he thought his answer
“ already full to that point concerning his return to
“ London, he told them, that he was willing to de-
“ clare, that he looked upon it as a matter of so great
“ weight, as with reference to the affairs of this king-
“ dom, and to his own inclinations and desires, that
“ if all he could say, or do, could raise a mutual
“ confidence, (the only way, with God’s blessing, to
“ make them all happy), and, by their encourage-
“ ment, the laws of the land, and the government of
“ the city of London, might recover some life for the
“ security; he would overtake their desires, and be as
“ soon with them, as they could wish. And, in the
“ mean time, he would be sure that neither the busi-
“ ness of Ireland, nor any other advantage for this
“ kingdom, should suffer through his default, or by
“ his absence; he being so far from repenting the acts
“ of his justice and grace, which he had already per-
“ formed to his people, that, he said, he should, with
“ the same alacrity, be still ready to add such new
“ ones, as might best advance the peace, honour, and
“ prosperity of this nation.”

They who now read this declaration, and remember
only the insolent and undutiful expressions in that de-
claration, to which this was an answer, and the more
insolent and seditious actions, which preceded, ac-
companied, and attended it, may think that the style
was not answerable to the provocation, nor princely
enough for such a contest; and may believe, that if
his

his Majesty had then expressed himself with more indignation for what he had suffered, and more resolution, “that he would no more endure those sufferings,” they who were not yet grown to the hardness of avowing the contempt of the King (and most of them having designs to be great with and by him, whom they provoked) would sooner have been checked, and recovered their loyalty and obedience. But they again, who consider and remember that juncture of time, the incredible disadvantage his Majesty suffered by the misunderstanding of his going to the House of Commons, and by the popular mistake of privilege of Parliament, and consequently of the breach of those privileges; and, on the contrary, the great height and reputation the factious party had arrived to, the stratagems they used, and the infusions they made into the people, “of the King’s disinclination “to the laws of the land;” and especially, “that he “had consented to all those excellent laws made this “Parliament (of which the people were posseſſed) “very unwillingly, and meant to avoid them: that “the Queen had an irreconcileable hatred to the reli-“gion profefſed, and to the whole nation, and that “her power was unquestionable: that there was a “design to ſend the Prince beyond the feas, and to “marry him to ſome Papift:” above all, (which the principal of them, with wonderful confidence, in all places avowed to be true), “that the rebellion in “Ireland was fomented, and countenanced at leaſt, “by the Queen, that good terms might be got for “the Catholics in England:” I ſay, whoever remem- bers all this, and, that though it might be presumed, that the exorbitancy of the Parliament might be very offensive to ſome sober and diſcerning men, yet his

Majesty had no reason to presume of their eminent and vehement zeal on his behalf, since he saw all those (some few only excepted) from whom he might challenge the duty, and faith of servants *usque ad aras*, and for whose sake he had undergone many difficulties, either totally aliened from his service, and engaged against him, or, like men in a trance, unapplicable to it : he will, I say, conclude that it concerned his Majesty, by all gentleness and condescension, to undeceive and recover men to their sobriety and understanding, before he could hope to make them apprehensive of their own duty, or the reverence that was due to him ; and therefore, that he was to descend to all possible arts, and means to that purpose, it being very evident, that men would no sooner discern his princely justice and clemency, than they must be sensible of the indignities which were offered to him, and incensed against those who were the authors of them.

And the truth is, (which I speak knowingly), at that time, the King's resolution was to shelter himself wholly under the law ; to grant any thing, that by the law he was obliged to grant ; and to deny what by the law was in his own power, and which he found inconvenient to consent to ; and to oppose and punish any extravagant attempt by the force and power of the law, presuming that the King and the law together would have been strong enough for any encounter that could happen ; and that the law was so sensible a thing, that the people would easily perceive who endeavoured to preserve, and who to suppress it, and dispose themselves accordingly.

The day before this answer of his Majesty came to the members then sitting at Westminster, though they

they knew they should speedily receive it, lest somewhat in it might answer, and so prevent some other scandals they had a mind to lay to his Majesty's charge, they sent a petition to him, in the name of the Lords and Commons, upon occasion of the short cursory speech he made to their committee, (which is before mentioned), at the delivery of their declaration at Newmarket, in which they told him,

“ That the Lords and Commons in Parliament
 “ could not conceive, that that declaration, which he
 “ received from them at Newmarket, was such as did
 “ deserve that censure his Majesty was pleased to lay
 “ upon them in that speech, which his Majesty made
 “ to their committee ; their address therein, being ac-
 “ companied with plainness, humility, and faithful-
 “ ness, they thought more proper for the removing
 “ the distraction of the kingdom, than if they had
 “ then proceeded according to his message of the
 “ twentieth of January ; by which he was pleased to
 “ desire, that they would declare, what they intended
 “ to do for his Majesty, and what they expected to be
 “ done for themselves ; in both which, they said, they
 “ had been very much hindered by his Majesty's de-
 “ nial to secure them, and the whole kingdom, by
 “ disposing the militia as they had divers times most
 “ humbly petitioned. And yet, they said, they had not
 “ been altogether negligent of either, having lately
 “ made good proceedings in preparing a book of rates,
 “ to be passed in a bill of tonnage and poundage, and
 “ likewise the most material heads of those humble de-
 “ fenses, which they intended to make to his Majesty for
 “ the good and contentment of his Majesty and his peo-
 “ ple ; but none of those could be perfected before
 “ the kingdom be put in safety, by settling the militia :

The peti-
tion of the
Lords and
Commons
presented to
his Majesty
at York,
March 26.
1642.

“ and until his Majesty should be pleased to concur
“ with his Parliament in those necessary things, they
“ held it impossible for his Majesty to give the world,
“ or his people, such satisfaction concerning the fears
“ and jealousies, which they had expressed, as they
“ hoped his Majesty had already received touching
“ that exception, which he was pleased to take to Mr.
“ Pym’s speech. As for his Majesty’s fears and
“ doubts, the ground whereof was from seditious pam-
“ phlets and sermons, they said, they should be as
“ careful to endeavour the removal of them, as soon
“ as they should understand what pamphlets and ser-
“ mons were by his Majesty intended, as they had
“ been to prevent all dangerous tumults. And if any
“ extraordinary concourse of people out of the city to
“ Westminster had the face and shew of tumult and
“ danger, in his Majesty’s apprehension, it would ap-
“ pear to be caused by his Majesty’s denial of such
“ a guard to his Parliament, as they might have cause
“ to confide in ; and by taking into Whitehall such a
“ guard for himself, as gave just cause of jealousy to the
“ Parliament, and of terror and offence to his people.
“ They told him, they sought nothing but his Ma-
“ jesty’s honour, and the peace and prosperity of his
“ kingdoms ; and that they were heartily sorry they
“ had such plentiful matter for an answer to that
“ question, whether his Majesty had violated their
“ laws ? They besought his Majesty to remember,
“ that the government of this kingdom, as it was, in a
“ great part, managed by his ministers before the be-
“ ginning of this Parliament, consisted of many con-
“ tinued and multiplied acts of violation of laws ; the
“ wounds wherof were scarcely healed, when the ex-
“ tremity of all those violations was far exceeded by
“ the

“ the late strange and unheard of breach of their
“ laws in the accusation of the Lord Kimbolton, and
“ the five members of the Commons House, and in
“ the proceedings thereupon ; for which they had yet
“ received no full satisfaction.

“ To his Majesty’s next question, whether he had
“ denied any bill for the ease and security of his sub-
“ jects ? they wished they could stop in the midst
“ of their answer ; that with much thankfulness they
“ acknowledged, that his Majesty had passed many
“ good bills full of contentment and advantage to his
“ people : but truth and necessity enforced them to
“ add this, that, even in or about the time of passing
“ those bills, some design or other had been on foot,
“ which, if it had taken effect, would not only have
“ deprived them of the fruit of those bills, but have
“ reduced them to a worse condition of confusion,
“ than that wherein the Parliament found them.

“ And if his Majesty had asked them the third
“ question intimated in that speech, what they had
“ done for him ? they told him, their answer would
“ have been much more easy ; that they had paid two
“ armies with which the kingdom was burthened the
“ last year, and had undergone the charge of the war
“ in Ireland at this time, when, through many other
“ excessive charges and pressures, his subjects had
“ been exhausted, and the stock of the kingdom very
“ much diminished ; which great mischiefs, and the
“ charges thereupon ensuing, had been occasioned by
“ the evil counsels so powerful with his Majesty,
“ which had and would cost this kingdom more than
“ two millions ; all which, in justice, ought to have
“ been borne by his Majesty.

“ As for that free and general pardon his Majesty
“ had

“ had been pleased to offer, they said, it could be no
“ security to their fears and jealousies, for which his
“ Majesty seemed to propound it; because they arose
“ not from any guilt of their own actions, but from
“ the evil designs and attempts of others.

“ To that their humble answer to that speech, they
“ desired to add an information, which they had
“ lately received from the Deputy Governor of the
“ Merchant Adventurers at Rotterdam in Holland, that
“ an unknown person, appertaining to the Lord Dig-
“ by, did lately solicit one James Henly, a mariner, to
“ go to Elsinore, and to take charge of a ship in the
“ fleet of the King of Denmark, there prepared;
“ which he should conduct to Hull. In which fleet
“ likewise, he said, a great army was to be transported:
“ and although they were not apt to give credit to in-
“ formations of that nature, yet they could not alto-
“ gether think it fit to be neglected; but that it
“ might justly add somewhat to the weight of their fears
“ and jealousies, considering with what circumstances
“ it was accompanied; with the Lord Digby’s preceding
“ expressions in his letter to her Majesty, and Sir Lewis
“ Dives; and his Majesty’s succeeding course of with-
“ drawing himself northward from his Parliament, in
“ a manner very suitable and correspondent to that
“ evil counsel; which, they doubted, would make
“ much deeper impression in the generality of his peo-
“ ple: and therefore they most humbly advised, and
“ besought his Majesty, for the procuring and settling
“ the confidence of his Parliament and all his subjects,
“ and for the other important reasons concerning the
“ recovery of Ireland, and securing this kingdom, which
“ had been formerly presented to him, he would be

“ graciously pleased, with all convenient speed, to re-

“ turn

“ turn to these ports, and to close with the counsel and
 “ desire of his Parliament ; where he should find their
 “ dutiful affections and endeavours ready to attend
 “ his Majesty with such entertainment, as should not
 “ only give him just cause of security in their faith-
 “ fulness, but other manifold evidences of their ear-
 “ nest intentions, and endeavours to advance his Ma-
 “ jesty’s service, honour, and contentment ; and to
 “ establish it upon the sure foundation of the peace
 “ and prosperity of all his kingdoms.”

This, which they called a petition, being presented to the King, his Majesty immediately returned, by the same messengers, his answer in these words :

“ If you would have had the patience to have ex-<sup>The King's
answer.</sup>
 “ pected our answer to your last declaration, (which,
 “ considering the nature of it, hath not been long in
 “ coming), we believe, you would have saved your-
 “ selves the labour of saying much of this message.
 “ And we could wish, that our privileges on all parts
 “ were so stated, that this way of correspondency
 “ might be preserved with that freedom, which hath
 “ been used of old. For we must tell you, that if you
 “ may ask any thing of us by message, or petition,
 “ and in what language (how unusual soever) you
 “ think fit ; and we must neither deny the thing you
 “ ask, nor give a reason why we cannot grant it,
 “ without being taxed of breaking your privileges, or
 “ being counselled by those, who are enemies to the
 “ peace of the kingdom, and favourers of the Irish
 “ rebellion, (for we have seen your printed votes upon
 “ our message from Huntington), you will reduce all
 “ our answers hereafter into a very little room ; in
 “ plain English, it is to take away the freedom of our
 “ vote ; which, were we but a subject, were high in-
 “ justice ;

" justice ; but being your King, we leave all the
" world to judge what it is.

" Is this the way to compose all misunderstandings ?
" We thought we shewed you one, by our message of
" the twentieth of January ; if you have a better or
" readier, we shall willingly hearken to it, for hither-
" to you have shewed us none. But why the refusal
" to consent to your order, which you call a denial of
" the militia, should be any interruption to it, we
" cannot understand. For the militia, which we al-
" ways thought necessary to be settled, we never de-
" nied the thing (as we told you in our answer of the
" twenty-eighth of January) to the petition of the
" House of Commons : for we accepted the persons,
" except for corporations ; we only denied the way.
" You ask it by way of ordinance, and with such a
" preface, as we can neither with justice to our ho-
" nour or innocency consent to. You exclude us
" from any power in the disposition or execution of it
" together with you, and for a time utterly unlimited.
" We tell you, we would have the thing done ; allow
" the persons, with that exception ; desire a bill, the
" only good old way of imposing on our subjects : we
" are extremely unsatisfied what an ordinance is, but
" well satisfied, that without our consent it is nothing,
" nor binding : and it is evident by the long time
" spent in this argument, the necessity and danger was
" not so imminent, but a bill might have been pre-
" pared ; which if it shall yet be done, with that due
" regard to us, and care of our people, in the limita-
" tion of the power and other circumstances, we shall
" recede from nothing we formerly expressed in that
" answer to your order ; otherwise, we must declare
" to all the world, that we are not satisfied with, or
" shall

“ shall ever allow our subjects to be bound by, your
“ printed votes of the fifteenth or sixteenth of this
“ month ; or that, under pretence of declaring what
“ the law of the land **is**, you shall, without us, make
“ a new law, which is plainly the case of the militia :
“ and what is this but to introduce an arbitrary way
“ of government ?

“ Concerning Pym’s speech, you will have found,
“ by what the Lord Compton and Mr. Baynton
“ brought from us in answer to that message they
“ brought to us, that, as yet, we rest nothing satisfied
“ in that particular.

“ As for the seditious pamphlets and sermons, we
“ are both sorry and ashamed (in so great variety, and
“ in which our rights, honour, and authority, are so
“ insolently slighted and vilified, and in which the
“ dignity and freedom of Parliaments is so much in-
“ vaded and violated) it should be asked of us to
“ name any. The mentioning of the Protestation pro-
“ tested, the Apprentices Protestation, *To your tents, O*
“ *Israel*, or any other, would be too great an excuse
“ for the rest : if you think them not worth your en-
“ quiry, we have done. But we think it most strange
“ to be told, that our denial of a guard, (which we
“ yet never denied, but granted in another manner,
“ and under a command at that time most accustomed
“ in the kingdom), or the denial of any thing else,
“ (which is in our power legally to deny), which in
“ our understanding, of which God hath surely given
“ us some use, is not fit to be granted, should be any
“ excuse for so dangerous a concourse of people ;
“ which, not only in our apprehension, but, we be-
“ lieve, in the interpretation of the law itself, hath
“ been always held most tumultuous and seditious.

“ And

" And we must wonder, what, and whence come the
" instructions and informations, that those people
" have, who can so easily think themselves obliged by
" the protestation to assemble in such a manner for
" the defence of privileges, which cannot be so clearly
" known to any of them, and so negligently pass over
" the consideration and defence of our rights, so be-
" neficial and necessary for themselves, and scarce un-
" known to any of them ; which by their oaths of al-
" legiance and supremacy, and even by the same pro-
" testation, they are at least equally obliged to defend.
" And what interruptions such kind of assemblies
" may be to the freedom of future Parliaments, (if not
" seasonably discountenanced and suppressed), we must
" advise you to consider ; as likewise, whether both
" our rights and powers may not by such means be
" usurped, by hands not trusted by the constitution of
" this kingdom. For our guard, we refer you to our
" answer to your declaration.

" By that question of violating your laws, by which
" we endeavoured to express our care, and resolution
" to observe them, we did not expect you would have
" been invited to have looked back so many years, for
" which you have had so ample reparation ; neither
" looked we to have been reproached with the actions
" of our ministers then against the laws, whilst we
" express so great zeal for the present defence of
" them ; it being our resolution, upon observation of
" the mischief which then grew by arbitrary power,
" (though made plausible to us by the suggestions of
" necessity and imminent danger ; and take you heed,
" you fall not into the same error, upon the same sug-
" gestions), hereafter to keep the rule ourself, and to
" our power require the same from all others. But
" above

“ above all, we must be most sensible of what you cast
“ upon us for requital of those good bills, you cannot
“ deny. We have denied any such design ; and as
“ God Almighty must judge in that point between us,
“ who knows our upright intentions at the passing
“ those laws, so in the mean time we defy the Devil
“ to prove, that there was any design (with our know-
“ ledge or privity) in or about the time of passing
“ those bills, that, had it taken effect, could have
“ deprived our subjects of the fruit of them. And
“ therefore we demand full reparation in this point,
“ that we may be cleared in the sight of all the world,
“ and chiefly in the eyes of our loving subjects, from
“ so notorious and false an imputation as this is.

“ We are far from denying what you have done ;
“ for we acknowledge the charge our people hath suf-
“ fered in keeping the two armies, and in relieving
“ Ireland ; of which we are so sensible, that, in regard
“ of those great burthens our people hath undergone,
“ we have, and do patiently suffer those extreme per-
“ sonal wants, as our predecessors have been seldom
“ put to, rather than we would press upon them ;
“ which we hope in time will be considered on your
“ parts.

“ In our offer of a general pardon, our intent was
“ to compose and secure the general condition of our
“ subjects, conceiving that, in these times of great
“ distractions, the good laws of the land have not
“ been enough observed : but it is a strange world,
“ when Princes’ proffered favours are counted re-
“ proaches : yet if you like not this our offer, we have
“ done.

“ Concerning any discourses of foreign forces,
“ though we have given you a full answer in ours to
“ your

“ your last declaration, yet we must tell you, we have
“ neither so ill an opinion of our own merit, or the
“ affections of our good subjects, as to think ourself
“ in need of any foreign forces to preserve us from
“ oppression ; and we shall not need for any other
“ purpose : but are confident, through God’s provi-
“ dence, not to want the good wishes and assistance of
“ the whole kingdom, being resolved to build upon
“ that sure foundation, the law of the land : and we
“ take it very ill, that general discourses between
“ an unknown person and a mariner, or inferences
“ upon letters, should be able to prevail in matters so
“ improbable in themselves, and scandalous to us ;
“ for which we cannot but likewise ask reparation,
“ not only for the vindication of our own honour, but
“ also thereby to settle the minds of our subjects,
“ whose fears and jealousies would soon vanish, were
“ they not fed and maintained by such false and mali-
“ cious rumours as these.

“ For our return to our Parliament, we have given
“ you a full answer in ours to your declaration ; and
“ you ought to look on us as not gone, but driven (we
“ say not by you, yet) from you. And if it be not
“ so easy for you to make our residence in London so
“ safe as we could desire, we are and will be con-
“ tented, that our Parliament be adjourned to such
“ a place, where we may be fitly and safely with you.
“ For though we are not pleased to be at this distance,
“ yet you are not to expect our presence, until you
“ shall both secure us concerning our just apprehen-
“ sions of tumultuary insolences, and likewise give us
“ satisfaction for those insupportable and insolent
“ scandals, that are raised upon us.

“ To conclude : as we have or shall not refuse any
“ agree-

“ agreeable way to justice or honour, which shall be
“ offered to us for the begetting a right understanding
“ between us; so we are resolved that no straits or
“ necessities, to which we may be driven, shall ever
“ compel us to do that, which the reason and under-
“ standing that God hath given us, and our honour
“ and interest, with which God hath trusted us for
“ the good of our posterity and kingdoms, shall render
“ unpleasant and grievous to us. And we assure you,
“ how meanly soever you are pleased to value the dis-
“ charge of our public duty, we are so conscious to
“ ourself of having done our part since this Parlia-
“ ment, that, in whatsoever condition we now stand,
“ we are confident of the continued protection from
“ Almighty God, and the constant gratitude, obe-
“ dience, and affection from our people. And we
“ shall trust God with all.”

These quick answers from the King gave them very much trouble, and made it evident to them, that he would no more be swaggered into concessions that he thought unreasonable, or persuaded to them upon general promises, or an implicit confidence in their future modesty ; but that he demanded reparation for the breach of his privileges, and so fought with them with their own weapons, troubled them much more ; apprehending that, in a short time, the people might be persuaded to believe, that the King was in the right, and had not been well dealt with : and though some few, who thought themselves too far engaged to retire, were glad of the sharpness of these paper skirmishes, which they believed made the wound still wider, and more incurable ; yet the major part, which had been induced to join with them out of confidence that the King would yield, and that their boldness

and importunity in asking would prevail with his Majesty to consent, wished themselves fairly unentangled : and I have heard many of the fiercest concurers, and who have ever since kept them company, at that time profefs, “ that if any expedient might be found to reconcile the present difference about the militia, they would no more adventure upon demands of the like nature :” and the Earl of Essex himself was startled, and confessed to his friends, “ that he desired a more moderate proceeding should be in Parliament ; and that the King, who had given so much, should receive some satisfaction.” But those of the Court, who thought their faults to their Master most unpardonable, could not endure that the youngest courtier should be the eldest convert ; and therefore, by repeating what the King and Queen had said of him heretofore, and by fresh intelligence, which they procured from York, of what the King then thought of him, they persuaded him, “ that his condition was too desperate to recede :” and all men were persuaded, that this steady deportment of the King proceeded from some new evil counsellors, who would be as soon destroyed as discovered ; and that then they would so carry themselves, that the King should owe his greatness and his glory (for they still said, “ he should excel all his predecessors in both”) to their formed counsels and activity, and not to the whispers of those who thought to do his busines without them. And I am persuaded, that even then, and I was at that time no stranger to the persons of most that governed, and a diligent observer of their carriage, they had rather a design of making themselves powerful with the King, and great at Court, than of lessening the power of the one, or reforming

reforming the discipline of the other : but, no doubt, there were some few in the number that looked further ; yet, by pretending that, kept up the mettle of writing, and inclined them for their honour to new declarations.

The King found himself at some ease, and most persons of quality of that great county, and of the counties adjacent, resorted to him, and many persons of condition from London, and those parts, who had not the courage to attend upon him at Whitehall ; so that the Court appeared with some lustre. And now he began to think of executing some of those resolutions, which he had made with the Queen before her departure : one of which was, and to be first done, the removing the Earls of Essex and Holland from their offices in the Court, the one of Chamberlain, the other of Groom of the Stole, which hath the reputation and benefit of being first Gentleman of the Bedchamber. Indeed no man could speak in the justification of either of them, yet no man thought them equally culpable. The Earl of Holland was a person merely of the King's and his father's creation ; raised from the condition of a private gentleman, a younger brother of an extraction that lay under a great blemish, and without any fortune, to a great height by their mere favour and bounty. And they had not only adorned them with titles, honours, and offices, but enabled them to support those in the highest lustre, and with the largest expence : and this King had drawn many inconveniences, and great disadvantages, upon himself and his service, by his preferring him to some trusts, which others did not only think themselves, but really were, worthier of ; but especially by indulging him so far in the rigorous execution of his office of Chief Justice

Justice in Eyre, in which he brought more prejudice upon the Court, and more discontent upon the King, from the most considerable part of the nobility and gentry in England, than proceeded from any one action, that had its rise from the King's will and pleasure, though it was not without some warrant from law; but having not been practised for some hundreds of years, was looked upon as a terrible innovation and exaction upon persons, who knew not that they were in any fault; nor was any imputed to them, but the original sin of their forefathers, even for which they were obliged to pay great penalties and ransoms. That such a servant should suffer his zeal to lessen and decay towards such a master, and that he should keep a title to lodge in his bedchamber, from whose court he had upon the matter withdrawn himself, and adhered to and assisted those who affronted and contemned his Majesty so notoriously, would admit of no manner of interposition and excuse.

Less was to be objected against the Earl of Essex, who, as he had been, all his life, without obligations from the Court, and believed he had undergone oppression there, so he was, in all respects, the same man he had always professed himself to be, when the King put him into that office; and in receiving of which, many men believed, that he rather gratified the King, than that his Majesty had obliged him in conferring it; and it had been, no doubt, the chief reason of putting the staff in his hand, because in that conjuncture no other man, who would in any degree have appeared worthy of it, had the courage to receive it. However having taken the charge upon him, he ought, no doubt, to have taken all his master's concerns more to heart, than he had done;

and

and he can never be excused for staying in Whitehall, when the King was with that outrage driven from thence, and for choosing to behold the triumph of the members return to Westminster, rather than to attend his Majesty's person in so great perplexity to Hampton Court ; which had been his duty to have done, and for failing wherein no other excuse can be made, but that, after he had taken so full a resolution to have waited upon his Majesty thither, that he had dressed himself in his travelling habit, he was diverted from it by the Earl of Holland, who ought to have accompanied him in the service, and by his averment, “ that if he went, he should be assassinated ; ” which it was not possible should have ever been so much as thought of.

Notwithstanding all this, the persons trusted by his Majesty, and remaining at London, had no sooner notice of it, (which his Majesty sent to them, that he might be advised the best way of doing it), but they did all they could to dissuade the pursuing it. They did not think it a good conjuncture to make those two persons desperate ; and they knew that they were not of the temper and inclinations of those, who had too much credit with them, nor did desire to drive things to the utmost extremities, which could never better their conditions ; and that they did both rather desire to find any expedients, by which they might make a safe and an honourable retreat, than to advance in the way they were engaged in. But the argument they chiefly insisted on to the King, was, “ that, being deprived of their offices, they would be able to do more mischief, and ready to embark themselves with the most desperate persons, in the most desperate attempts ; ” which fell out accordingly. And there

is great reason to believe, that if that resolution the King had taken, had not been too obstinately pursued at that time, many of the mischiefs, which afterwards fell out, would have been prevented ; and, without doubt, if the staff had remained still in the hands of the Earl of Essex, by which he was charged with the defence and security of the King's person, he would never have been prevailed with to have taken upon him the command of that army, which was afterwards raised against the King, and with which so many battles were fought. And there can be as little doubt in any man, who knew well the nature and temper of that time, that it had been very difficult, if not utterly impossible, for the two Houses of Parliament to have raised an army then, if the Earl of Essex had not consented to be general of that army.

But the King was inexorable in the point ; he was obliged by promise to the Queen at parting, which he would not break ; and her Majesty had contracted so great an indignation against the Earl of Holland, whose ingratitude indeed towards her was very odious, that she had said, “ she would never live in the Court, “ if he kept his place.” And so the King sent an order to Littleton, the Lord Keeper of the Great Seal, “ that he should require the staff and key from the “ one, and the other, and receive them into his custo-“ dy.” The Keeper trembled at the office, and had not courage to undertake it. He went presently to the Lord Falkland, and desired him to assist him in making his excuse to the King. He made many professions of his duty to the King, “ who, he hoped, would “ not command him in an affair so unsuitable to the “ office he held under him ; that no Keeper had been “ employed in such a service ; that if he should exe-
“ cute

“cute the order he had received, it would in the first
“place be voted a breach of privilege in him, being
“a Peer; and the House would commit him to pri-
“son, by which the King would receive the greatest
“affront, though he should be ruined; whereas the
“thing itself might be done by a more proper officer,
“without any inconvenience.”

How weak soever the reasons were, the passion was strong; and the Lord Falkland could not refuse to convey his letter to the King, which contained his answer in his own words, with all the imaginable professions of duty and zeal for his service. How ill soever his Majesty was satisfied, he saw the business would not be done that way; and therefore he wrote immediately a letter, all in his own hand, to the Lord Falkland; in which with some gracious expressions of excuse for putting that work upon him, he commanded him “to require the surrender of the ensigns “of their offices from those two Earls.” The Lord Falkland was a little troubled in receiving the command: they were persons from whom he had always received great civilities, and with whom he had much credit; and this harsh office might have been more naturally, and as effectually, performed by a Gentleman Usher, as the same staff had been demanded before from the Earl of Pembroke, within less than a year. However, he would make no excuse, being a very punctual and exact person in the performances of his duty; and so went to both of them, and met them coming to the House, and imparted his message to them: they desired him very civilly, “that he would “give them leave to confer a little together, and they “would, within half an hour, send for him into the “House of Commons:” whither he went, and they,

within less time, sent to him to meet them in Sir Thomas Cotton's garden, (a place adjacent, where the members of both Houses used frequently to walk), and there, with very few words, they delivered the staff, and the key, into his hands, who immediately carried them to his lodging ; and they went up to the House of Peers : and presently both Houses took notice of it, and with passion, and bitter expressions against the evil counsellors, who had given his Majesty that counsel, they concurred in a vote, “ that whosoever presumed to accept of either of those offices, should be reputed an enemy to his country ; ” and then they proceeded with more impetuosity in the busines of the militia, and all other matters which most trenched upon the King’s authority.

Whilst they were so eager in pursuit of the militia, and pretended the necessity so imminent, that they could not defer the disposition thereof till it might be formally and regularly settled by bill, they had their eye upon another militia, the royal navy ; without recovering of which to their own power, (though they were satisfied by the pulse of the people, that they would join with them, and be generally obedient to their commands), they had no mind to venture upon the execution of their land ordinance. And therefore, in the beginning of the spring, when the fleet for that year was provided, after they had excepted against such persons to be captains of ships, as they thought not devoted to them, (as is before mentioned), they sent a formal message to the Lords, “ that the Earl of Northumberland, Lord Admiral, might be moved to constitute the Earl of Warwick his Admiral of the fleet for that year’s service, being a person of such honour and experience, as they might safely confide

“ fide in him ; and that the Earl of Warwick might
 “ be desired to undertake that service.” The Lords
 thought fit that the King’s approbation might be first
 desired, before it was recommended to the Earl of
 Northumberland : but the Commons thought that superfluous, since the officers of the fleet were absolutely
 in the Earl’s disposal ; and therefore refused to send
 to the King, but of themselves sent to both the one
 Earl and the other ; and the Earl of Warwick, being well
 pleased with the trust, very frankly, without waiting
 the King’s consent, declared, “ that he was ready to
 “ undertake the employment.” But this being so
 publicly agitated, the King could not but take notice
 of it ; and finding that the busines should not be
 proposed to him, thought it necessary to signify his
 pleasure in it, that so at least the Lord Admiral might
 not pretend innocence, if aught should be done to his
 disservice ; and therefore he appointed Mr. Secretary
 Nicholas to write to the Earl of Northumberland,
 “ that his Majesty expected that Sir John Penning-
 “ ton should command that fleet, as he had done two
 “ or three years before.” This letter being communi-
 cated to both Houses, and the Lord Admiral being
 thereby upon the disadvantage of a single contest with
 the King, the House of Commons, rather out of kind-
 ness and respect to the Earl, than of duty to the King,
 condescended to join with the Lords in a message to
 his Majesty ; which they sent not by members of their
 own, but directed the Lord Keeper “ to inclose it in
 “ a letter to the Secretary attending the King, and to
 “ send the same to York ;” which he did accordingly.
 The message was :

“ That the Lords and Commons, in this present
 “ Parliament assembled, having found it necessary to
 “ provide,

A message
from both
Houses to
the King,
March 28,
1642.

“ provide, and set to sea, a strong and powerful navy
“ for the defence of this kingdom against foreign
“ force, and for the security of his Majesty’s other
“ dominions, the charge whereof was to be borne by
“ the commonwealth : and taking notice of the indis-
“ position of the Lord Admiral, which disabled him,
“ at that time, for commanding the fleet in his own
“ person, did thereupon recommend unto his Lord-
“ ship the Earl of Warwick, a person of such qua-
“ lity and abilities, as in whom they might best con-
“ fide, to supply his Lordship’s room for this employ-
“ ment : and understanding that his Majesty hath
“ since signified his pleasure concerning that com-
“ mand for John Pennington, they said, they did hold
“ it their duty to represent to his Majesty the great
“ danger and mischief the commonwealth was like to
“ sustain by such interruption ; and therefore did
“ humbly beseech his Majesty, that the noble person,
“ recommended by both Houses of Parliament for
“ this service, might be no longer detained from it,
“ out of any particular respect to any other person
“ whatsoever.”

The King’s answer. The same day that this message came to his Ma-
jesty, he dispatched an answer to the Lord Keeper; in
which he told him, “ that he wondered both at the
form and matter of that inclosed paper he had sent
to him, in the name of both Houses of Parliament;
it being neither by the way of petition, declaration,
or letter; and for the matter, he believed, it was the
first time, that the Houses of Parliament had taken
upon them the nomination, or recommendation of
the chief sea-commander: but it added to the won-
der, that Sir John Pennington being already ap-
pointed by him for that service, upon the recom-
mendation

" mendment of his Admiral, and no fault so much as
" alleged against him, another should be recom-
" mended to him. Therefore, he said, his resolution
" upon that point was, that he would not alter him,
" whom he had already appointed to command that
" year's fleet ; whose every ways sufficiency was so
" universally known, the which he was confident his
" Admiral, if there should be occasion, would make
" most evident ; against whose testimony he supposed
" his Parliament would not except. And though
" there were yet none appointed, or the said Sir John,
" through some accident, not able to perform the
" service ; yet, he said, the men of that profession
" were so well known to him, besides many other
" reasons, that (his Admiral excepted, because of his
" place) recommendations of that kind would not be
" acceptable to him."

This answer was no other than they expected, though they seemed troubled at it, and pretended that they had many things of misdemeanor to object against Sir John Pennington, at least such matters as would render him incapable of that trust ; the greatest of which was that he had conveyed the Lord Digby over sea ; though they well knew (as is before mentioned) that he had the King's warrant and command for that purpose ; and therefore moved the Lords that he might be sent for to be examined upon many particulars : and in the mean time, whilst they caused him to attend their leisure to be examined, they proceeded in hastening the Earl of Warwick to make himself ready for the service, who made no scruple of undertaking it ; and the Earl of Northumberland receiving the order, and desire of both Houses, " to
" grant his commission to him to be Admiral of that
" fleet,"

"fleet," thought himself sufficiently excused towards the King, and did it accordingly; the two Houses in the mean time, without any further thought of procuring the King's consent, preparing reasons to satisfy his Majesty for the necessity or conveniency of their proceeding.

Many men, especially they who at a distance observed and discerned the difficulties the King was like to encounter, wondered that upon so apparent a breach of trust, and act of undutifulness, his Majesty did not at that time revoke the Lord Admiral's commission, which was but during pleasure; and so put that sure guard of the kingdom, his navy, under such a command as he might depend upon. But the truth is, it was not then counsellable; for (besides that it was easier to resolve, "that it was fit to remove the Earl "of Northumberland," than to find a man competent for the place) that way it might have been possible to have prevented the going out of any fleet to sea, which would have confirmed the frantic jealousies of bringing in foreign forces; but not have reduced it to his own obedience.

They had, by degrees, so ordered the collection of tonnage and poundage, by passing bills for six weeks and two months at a time, and putting those, who should receive or pay those duties, otherwise than they were granted by those bills, into a *Præmunire*; and so terrified the old customers, that the King had no other means of setting out his fleet, than by the monies arising by the customs, which they absolutely disposed of; and at this time had contracted with the victualler, made the ships ready, and hired many merchants ships to join in that fleet for the guard of the seas. And whilst this matter of the Admiral was in suspense,

suspense, they suffered the former bill of tonnage and poundage to expire, and did not, till the very night before, pass a new bill ; which could not have the royal assent till many days after, the King being then at York. Yet the House of Commons, to salve all danger of the *Præmunire*, on the twenty-fourth of March, being the very day that the former bill expired, sent an order to all the collectors of the customs, many of which could not receive it in ten days after ;

“ That the new bill being passed by both Houses
“ for the continuance of those payments until the
“ third day of May, (which could not yet receive the
“ royal assent, in regard of the remoteness of his Ma-
“ jesty’s person from the Parliament), which monies to
“ be collected by that bill were to be employed in the
“ necessary guarding of the seas, and defence of the
“ commonwealth ; it was therefore ordered by the
“ Commons in Parliament, that the several officers be-
“ longing to the Custom-house, both in the port in
“ London, and the out-ports, should not permit any
“ merchant or other to lade or unlade any goods, or
“ merchandizes, before such persons do make due
“ entries thereof in the Custom-house. And it was
“ declared also by the said Commons, that such offi-
“ cers, upon the respective entry made by any mer-
“ chant as aforesaid, should intimate to such mer-
“ chant, that it was the advice of the Commons, for
“ the better ease of the said merchants, and in regard
“ the respective duties would relate, and become due
“ as from that day ; that the said merchants upon en-
“ try of their goods, as usually they did, when a law
“ was in force to that purpose, would deposit so much
“ money as the several customs would amount unto,
“ in the hands of such officers, to be by them ac-
“ counted

" counted to his Majesty, as the respective customs
" due by the said bill, when the said bill should have
" the royal assent ; or otherwise, his Majesty refusing
" the passing thereof, the said monies to be restored,
" upon demand, unto the several merchants respec-
" tively."

By which order, which was a more absolute dispensation for a *Præmunire*, than ever any *Non-obstante* granted by the Crown, the customs were as frankly and fully paid, as if an act of Parliament had been passed to that purpose ; and as soon as the commission could be sent, and returned from York, the act was passed. But no doubt they had a further design in suffering the bill totally to expire, before they prepared a new one, than at that time was apprehended ; and intended, under such a popular necessity, which seemed to be occasioned by the King's absence, to bring their own orders in such a reputation, that in another necessity which they should declare, they might by the precedent of this, which was the only indemnity all those merchants who paid, and the officers who received, customs, had for the preservation of their estates, be currently and absolutely obeyed and submitted to.

By this it appears the King could not at that time, with convenience or safety to his affairs, displace the Earl of Northumberland ; and he believed, if his occasions should hereafter require it, that the time would be much more seasonable, when the fleet was at sea ; and the thing itself more practicable : which was a true conclusion. However, he expressed so much dislike against the Earl of Warwick's commanding that fleet, that he was not willing that any officers whom he valued should take employment under him ; which

he had shortly after cause to repent. For, by this means, the Vice-Admiralty, which was designed to Captain Cartwright, the Comptroller of the Navy, who hath since sufficiently testified how advantageously to his Majesty he would have managed that charge, upon his refusal (which was occasioned by intimation from his Majesty, as shall be hereafter mentioned) was conferred upon Batten, an obscure fellow ; and, though a good seaman, unknown to the navy, till he was, two or three years before, for money, made surveyor, who executed it ever since with great animosity against the King's service, of which more hereafter.

Being, by this means, secure at sea, they proceeded with more vigour at land ; and, though they thought it not yet seasonable to execute their ordinance for the militia with any form and pomp, they directed, underhand, their agents and emissaries, " that the people, of themselves, should choose captains and officers, and train " under the name of Volunteers ;" which begun to be practised in many places of the kingdom, but only in those corporations, and by those inferior people, who were notorious for faction and schism in religion. The King's declarations, which were now carefully published, gave them some trouble, and made great impression, in sober men, who were moved with the reason, and in rich men, who were startled at the commands in them. But that clause in the King's answer to their declaration, presented to him at Newmarket, in which he told them, " that if they had not been informed of the seditious words used in, and the circumstances of the tumults, and would appoint some way for the examination of them, that he would require some of his learned council to attend with such evidence as might satisfy them," troubled them much

much more. For if there were still so much courage left in the King's council, that they durst appear to inform against any of those proceedings, which they favoured, they should find men grow more afraid of the law than of them ; which would destroy all their designs. Therefore they resolved to proceed with all expedition, and severely, against the Attorney General for his trespass and presumption upon their privileges, in the accusation of the five members, and the Lord Kimbolton : of the circumstances of which proceeding, and judgment thereupon, being as extraordinary, and as distant from the rules of justice, at least of practice, as any thing that then happened, it will not be amiss to set down two or three particulars.

Shortly after they had impeached him, (which is mentioned before), and the King had found it necessary to give over any prosecution against the others, his Majesty being desirous, now he had freed them, that they should free his Attorney, writ a letter from Royston, when he was in his way to York, to the Lord Keeper ; in which he told him, " that the articles, which had been preferred against the members, were, by himself, delivered to his Attorney General, engrossed in paper ; and that he had then commanded him to accuse those persons, upon those articles of high treason, and other misdemeanors ; " and, in his name, to desire a committee of Lords might be appointed to take the examination of such witnesses as should be produced, as formerly had been done in cases of like nature, according to the justice of the House. And his Majesty did further declare, that his said Attorney did not advise or contrive the said articles, nor had any thing to do with, or in advising, any breach of privilege that followed

" followed after. And for what he did in obedience
" to his commands, he conceived he was bound by
" oath, and the duty of his place, and by the trust re-
" posed in him by his Majesty, so to do : and that, if
" he had refused to obey his Majesty therein, his Ma-
" jesty would have questioned him for breach of oath,
" duty, and trust ; but now having declared that he
" found cause wholly to desist from proceeding against
" the persons accused, he had commanded him to
" proceed no further therein, nor to produce nor dis-
" cover any proof concerning the same."

Though this testimony of his Majesty's clearly ab-
solved him from the guilt, with which he was charged,
yet it rather hastened the trial, and sharpened the
edge, that was before keen enough against him ; and
the day of trial being come, when the members of the
Commons, who were appointed for the prosecution,
found that council was ready (which had been assigned
by the Lords) for the defence of the Attorney Gen-
eral, they professed, " that they would admit no coun-
" cil ; that it was below the dignity of the House of
" Commons, to plead against fee'd council ; that who-
" ever presumed to be of council with a person ac-
" cused by the Commons of England, should be
" taught better to know his duty, and should have
" cause to repent it." The Lords seemed much moved
with this reproach, that their acts of judicature should
be questioned, and the council, which had been justly
and regularly assigned by them, should be threatened
for submitting to their order. But that which trou-
bled them most, was, that the council, which was as-
signed by them, upon this reprehension, and threat of
the Commons, positively refused to meddle further in
the busines, or to make any defence for the Attorney.

Hereupon they put off the trial, and commit to the Tower of London Sir Thomas Bedingfield, and Sir Thomas Gardner, for their contempt in refusing to be of council with the Attorney upon their assignment : standers by looking upon the justice of Parliament with less reverence, to see the subject, between the contradictory and opposite commands of both Houses, (the displeasure of either being insupportable), punished and imprisoned for doing, by one, what he was straitly inhibited from doing by the other.

However, this difference gave only respite for some days to the Attorney, who was quickly again called before his judges. To what was passionately and unreasonably objected against him, “ of breach of privilege and scandal,” he confidently alleged “ the duty of his place ; that his Master’s command was warrant for what he had done ; and that he had been justly punishable, if he had refused to do it when commanded ; that there had never been a pretence of privilege in case of treason, the contrary whereof was not only understood by the law, but had been by themselves confessed, in a petition delivered by them in the beginning of this King’s reign, upon the imprisonment of the Earl of Arundel ; in which it was acknowledged, that the privilege of Parliament extended not to treason, felony, or refusal to find sureties for the peace ; that he had no reason to suspect the executing the duty of his place would have been imputed to him for any trespass, since the very same thing he had now done, and of which he stood accused, was done, in the first year of this King’s reign, by Sir Robert Heath, the then Attorney General ; who exhibited articles of

" of high treason before their Lordships, against the Earl of Bristol, which was not then understood to be any breach of privilege ; and therefore, having so late a precedent, most of their Lordships being then judges, he hoped he should be held excusable for not being able to discern that to be a crime, which " they had yet never declared to be so." The undeniable reasons of his defence (against which nothing was replied, " but the inconvenience and mischief, " which would attend a Parliament, if the members " might be accused of high treason without their consent") prevailed so far with the major part of the House of Peers, though the prosecution was carried on with all imaginable sharpness and vehemence by the House of Commons, and entertained by those Peers who were of that party, as a matter of vast concernment to all their hopes, that the questions being put, whether he should be deprived of his place of Attorney ? whether he should be fined to the King ? whether he should pay damages to the persons accused ? and whether he should be committed to the Tower ? which were the several parts of the sentence, which many of the Lords had pressed he should undergo, the negative prevailed in every one of the particulars ; so that the Attorney was understood by all men, who understood the rules and practice of Parliament, to be absolutely absolved from that charge and impeachment, by the judgment of the House of Peers.

The House of Commons expressed all possible resentment, and declared, " that they would not rest satisfied with the judgment ;" and some Lords, even of those who had acquitted him, were very desirous to find out an expedient, whereby the House of Commons might be compounded with ; and it was believed, that

the Attorney himself was much shaken with the torrent of malice and prejudice, which the House of Commons seemed now to threaten him with ; conceiving, “ that he and his office now triumphed over the “ whole body, and not over six members only :” and therefore, after some days, the House of Peers considering, “ that his discharge was but negative, that he “ should not be punished in this and that degree ; and “ that he had no absolution from the crimes, with “ which he was charged,” proceeded to a new judgment, (contrary to all course and practice of Parliament, or of any judicial court), and complying with all their other votes, resolved, by way of judgment upon him, “ that he should be disabled from ever being a par-“ liament man ; incapable of any place of judicature, “ or other preferment, than of Attorney General ;” which they could not deprive him of, by reason of the former vote ; and “ that he should be committed to “ the prison of the Fleet.” Which sentence was with all formality pronounced against him, and he committed to the Fleet accordingly : with which sentence the Commons were no more satisfied than with the former ; some of them looking that their favourite, the Solicitor, should have the place of Attorney ; others, that the accused members should receive ample damages by way of reparation ; without which they could not think themselves secure from the like attempts.

Having, by this extraordinary and exemplary proceeding, fortified their privileges against such attempts, and secured their persons from being accused, or proceeded against by law, they used no less severity against all those who presumed to question the justice or prudence of their actions, especially against those,

those, who, following the method that had done so much hurt, drew the people to petition for that which they had no mind to grant ; and in this prosecution they were not less severe and vehement, than against the highest treason could be imagined.

Upon the petition mentioned before, that was framed in London against their settling the militia, they committed one George Binion, a citizen of great reputation for wealth and wisdom, and who was indeed a very sober man. After he had lain some time in prison, the Lords, according to law, bailed him ; but the Commons ~~caused~~ him the next day to be re-committed, and preferred an impeachment against him, for no other crime but “advising and contriving that petition.” The gentleman defended himself, “that it was always held, and so publicly declared this Parliament, to be lawful, in a modest way, to petition for the removal or prevention of any grievance : that observing very many petitions to be delivered, and received, for the settling the militia in an other way than was then agreeable to the law, or had been practised, and conceiving that the same would prove very prejudicial to the city of London, of which he was a member, he had joined with many other citizens, of known ability and integrity, in a petition against so great an inconvenience ; which he presumed was lawful for him to do.” How reasonable soever this defence was, the House of Peers adjudged him “to be disfranchised, and incapable of any office in the city ; to be committed to the common gaol of Colchester,” (for his reputation was so great in London, that they would not trust him in a city prison), and fined him three thousand pounds.

About the same time, at the general assizes in Kent, the justices of peace, and principal gentlemen of that county, prepared a petition to be presented to the two Houses, with a desire, “that the militia might not be otherwise exercised in that county, than the known law permitted : and that the Book of Common-Prayer, established by law, might be observed.” This petition was communicated by many to their friends, and copies thereof sent abroad, before the subscription was ready ; whereupon the House of Peers took notice of it, as tending to some commotion in Kent ; and, in the debate, the Earl of Bristol taking notice, “that he had seen a copy of it, and had had some conference about it with Judge Mallet,” who was then Judge of assize in Kent, and newly returned out of his circuit, both the Earl and Judge, for having but seen the petition, were presently committed to the Tower ; and a declaration published, “that none should presume to deliver that, or the like petition, to either House.” Notwithstanding which, some gentlemen of Kent, with a great number of the substantial inhabitants of that county, came to the city ; which, upon the alarm, was put in arms ; strong guards placed at London Bridge, where the petitioners were disarmed, and only some few suffered to pass with their petition to Westminster ; the rest forced to return to their country. And, upon the delivery thereof to the House of Commons, (though the same was very modest, and in a more dutiful dialect than most petitions delivered to them), the bringers of the petition were sharply reprimanded ; two or three of them committed to several prisons ; the principal gentlemen of the country, who had subscribed and advised it, sent for as delinquents ; charges, and articles

articles of impeachment, drawn up against them ; and a declaration published, “ that whosoever should “ henceforth advise or contrive the like petitions, “ should be proceeded against, as enemies to the “ commonwealth.” So unlike and different were their tempers, and reception of those modest addressees, which were for duty and obedience to the laws established, and those which pressed and brought on alteration and innovation. But that injustice gave great life and encouragement to their own proselytes ; and taught others to know that their being innocent would not be long easy or safe : and this kind of justice extended itself in the same measure to their own members, who opposed their irregular determinations ; who, besides the agony and vexation of having the most plain reason, and confessed law, rejected, and over-ruled with contempt and noise, were liable to all the personal reproaches and discountenance, that the pride and petulance of the other party could lay upon them ; and were sometimes imprisoned and disgraced, for freely speaking their opinions and conscience in debate.

All sorts of men being thus terrified, the Commons remembered, that a great magazine of the King’s ammunition lay still at Hull ; and though that town was in the custody of a confidant of their own, yet they were not willing to venture so great a treasure so near the King, who continued at York, with a great resort of persons of honour and quality from all parts ; and therefore they resolved, under pretence of supplying Ireland, to remove it speedily from thence ; and moved the Lords, “ to join with them in an or-“ der to that purpose.” The Lords, who proceeded with less fury, and more formality, desired, “ that it

" might be done with the King's consent." After a long debate, the one thinking they merited much by that civility, the other contented to gratify those in the ceremony, who, they knew, would in the end concur with them, a petition was agreed upon to be sent to his Majesty; in which, that he might the sooner yield to them in this matter, they resolved to remember him of that, which, they thought, would reflect on him with the people, and to " move him to " take off the reprieve from the six priests," which is before mentioned. And so they sent their petition

A petition
from the
two Houses
to remove
the maga-
zine from
Hull.

to him, telling him, " that they found the stores of arms and ammunition in the Tower of London much diminished; and that the necessity for supply of his kingdom of Ireland (for which they had been issued from thence) daily increased; and that the occasion, for which the magazine was placed at Hull, was now taken away; and considering it would be kept at London with less charge, and more safety, and transported thence with much more convenience for the service of the kingdom of Ireland; they therefore humbly prayed, that his Majesty would be graciously pleased to give leave, that the said arms, cannon, and ammunition, now in the magazine of Hull, might be removed to the Tower of London, according as should be directed by both his Houses of Parliament. And whereas six priests, then in Newgate, were condemned to die, and by his Majesty had been reprieved, they humbly prayed his Majesty to be pleased, that the said reprieves might be taken off, and the priests executed according to law." To which petition his Majesty immediately returned answer in these words :

His Majef-
ty's anfwer.

" We rather expected, and have done long, that
" you

“ you should have given us an account, why a garrison hath been placed in our town of Hull, without our consent, and soldiers billeted there against law, and express words of the Petition of Right, than to be moved, for the avoiding of a needless charge you have put upon yourselves, to give our consent for the removal of our magazine and munition, our own proper goods, upon such general reasons as indeed give no satisfaction to our judgment: and since you have made the busines of Hull your argument, we would gladly be informed, why our own inclination, on the general rumour of the designs of Papists in the northern parts, was not thought sufficient ground for us to put a person of honour, fortune, and unblemished reputation, into a town and fort of our own, where our own magazine lay: and yet the same rumour be warrant enough for you to commit the same town and fort, without our consent, to the hands of Sir John Hotham, with a power unagreeable to the law of the land, or the liberty of the subject.

“ And yet of this, in point of right, or privilege, for sure we are not without privilege too, we have not all this while complained: and being confident that the place, whatsoever discourse there is of public or private instructions to the contrary, shall be speedily given up, if we shall require it, we shall be contented to dispose our munition there, as we have done in other places, for the public ease and benefit, as, upon particular advice, we shall find convenient; though we cannot think it fit, or consent, that the whole magazine be removed together. “ But when you shall agree upon such proportions, as shall be held necessary for any particular service,

“ we

“ we shall sign such warrants as shall be agreeable to
“ wisdom and reason ; and if any of them be designed
“ for Ulster, or Lemster, you know well the convey-
“ ance will be more easy and convenient from the
“ place they are now in. Yet we must tell you, that
“ if the fears are so great from the Papists at home, or
“ of foreign force, as is pretended, it seems strange
“ that you make not provision of arms and munition
“ for defence of this kingdom, rather than seek to car-
“ ry any more from hence, without some course taken
“ for supply ; especially, if you remember your en-
“ gagement to our Scottish subjects, for that propor-
“ tion of arms, which is contained in your treaty. We
“ speak not this, as not thinking the sending of arms
“ to Ireland very necessary, but only for the way of
“ the provision. For you know what great quantities
“ we have assigned out of our several stores, which, in
“ due time, we hope, you will see replenished. For
“ the charge of looking to the magazine at Hull, as it
“ was undertaken voluntarily by you at first, and, to
“ say no more, unnecessarily ; so you may free our
“ good people of that charge, and leave it to us to
“ look to, who are the proper owner of it. And this,
“ we hope, will give you full satisfaction in this point,
“ and that ye do not, as you have done in the busi-
“ nesses of the militia, send this message out of compli-
“ ment and ceremony, resolving to be your own car-
“ vers at last. For we must tell you, if any attempt
“ shall be made or given in this matter, without our
“ consent or approbation, we shall esteem it as an
“ act of violence against us ; and declare it to all the
“ world, as the greatest violation of our right, and
“ breach of our privilege.

“ Concerning the six priests condemned, it is true,
“ they

“ they were reprieved by our warrant, we being informed, that they were, by some restraint, disabled to take the benefit of our former proclamation : since that, we have issued out another, for the due execution of the laws against Papists ; and have most solemnly promised, in the word of a King, never to pardon any priest without your consent, which shall be found guilty by law ; desiring to banish these, having herewith sent our warrant to that purpose, if, upon second thoughts, you do not disapprove thereof. But if you think the execution of these persons so very necessary to the great and pious work of reformation, we refer it wholly to you ; declaring hereby, that upon such your resolution signified to the ministers of justice, our warrant for their reprieve is determined, and the law to have the course. And now let us ask you, (for we are willing to husband time, and to dispatch as much as may be under one message ; God knows the distractiōns of this kingdom want a present remedy), will there never be a time to offer to, as well as to ask of us ? We will propose no more particulars to you, having no luck to please, or to be understood by you ; take your own time for what concerns our particular : but be sure you have an early, speedy care of the public ; that is, of the only rule that preserves the public, the law of the land ; preserve the dignity and reverence due to that. It was well said in a speech, made by a private person ; it was Mr. Pym’s speech against the Earl of Strafford, but published by order of the House of Commons this Parliament : the law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will fall into a confusion,

“ confusion, every man will become a law unto himself ; which, in the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law ; covetousness and ambition will become laws ; and what dictates, what decisions, such laws will produce, may easily be discerned. So said that gentleman, and much more, very well, in defence of the law, and against arbitrary power. It is worth looking over, and considering : and if the most zealous defence of the true Protestant profession, and the most resolved protection of the law, be the most necessary duty of a prince, we cannot believe this miserable distance, and misunderstanding, can be long continued between us ; we having often and earnestly declared them to be the chiefest desires of our soul, and the end and rule of all our actions. For Ireland, we have sufficiently, and we hope satisfactorily, expressed to all our good subjects our hearty sense of that sad business, in our several messages on that argument, but especially in our last of the eighth of this month, concerning our resolution for that service ; for the speedy, honourable, and full performance whereof, we conjure you to yield all possible assistance, and present advice.”

This answer was received with the usual circumstances of trouble and discontent, the taxing of evil counsellors, and malignant persons about the King : and that clause about the condemned priests exceedingly displeased them ; for by the King's reference of the matter entirely to them, he had removed the scandal from himself, and laid it at their doors ; and though they were well content, and desirous, that they should have been executed by the King's warrant, for taking

taking off his own reprieve, (whereby they should have made him retract an act of his own mercy, and undeniably within his own power ; and thereby have lessened much of the devotion of that people to him, when they should have seen him quit his power of preserving them in the least degree), yet, for many reasons, they were not willing to take that harsh part upon themselves ; and so those condemned priests were no more prosecuted, and were much safer under that reference for their execution, than they could have been, at that time, by a pardon under the Great Seal of England. For the other part of the answer concerning the magazine, it made no pause with them ; but, within few days after, they sent a warrant to their own governor, Sir John Hotham, to deliver it ; and to their own admiral, the Earl of Warwick, to transport it to London ; which was, notwithstanding the King's inhibition, done accordingly. But they had at that time another message from the King, which was referred to in the last clause of that answer, and came to their hands some few days before, that gave them some serious trouble and apprehension ; the grounds and reasons of which were these :

The King finding that, notwithstanding all the professions and protestations he could make, the busines of Ireland was still unreasonably objected to him, as if he were not cordial in the suppressing that rebellion, sent a message to both Houses :

“ That being grieved at the very foul for the cala- His Majes-
“ mities of his good subjects of Ireland, and being ty’s message
“ most tenderly sensible of the false and scandalous to both
“ reports dispersed amongst the people concerning the Hou ses,
“ rebellion there ; which not only wounded his Ma- April 8,
“ jesty in honour, but likewise greatly retarded the 1642,
“ reducing offering to go in person into Ireland.

“ reducing that unhappy kingdom, and multiplied the
“ distractions at home, by weakening the mutual con-
“ fidence between him and his people : out of his
“ pious zeal to the honour of Almighty God, in esta-
“ blishing the true Protestant profession in that king-
“ dom, and his princely care for the good of all his
“ dominions, he had firmly resolved to go with all
“ convenient speed into Ireland, to chaitise those
“ wicked and detestable rebels, odious to God and
“ all good men ; thereby so to settle the peace of that
“ kingdom, and the security of this, that the very
“ name of fears and jealousies might be no more heard
“ of amongst them.

“ And he said, as he doubted not but his Parlia-
“ ment would cheerfully give all possible assistance to
“ this good work, so he required them, and all his
“ loving subjects, to believe, that he would, upon
“ those considerations, as earnestly pursue that design,
“ not declining any hazard of his person in perform-
“ ing that duty, which he owed to the defence of
“ God’s true religion, and his distressed subjects, as
“ he undertook it for those only ends ; to the since-
“ rity of which profession he called God to witness,
“ with this further assurance, that he would never
“ consent, upon whatsoever pretence, to a toleration
“ of the Popish profession there, or the abolition of
“ the laws now in force against Popish Recusants in
“ that kingdom.

“ His Majesty further advertised them, that, to-
“ wards this work, he intended to raise forthwith, by
“ his commissions, in the counties near West Chester,
“ a guard for his own person, (when he should come
“ into Ireland), consisting of two thousand foot, and
“ two hundred horse, which should be armed at West
“ Chester,

“ Chester, from his magazine at Hull ; at which time,
“ he said, all the officers and soldiers should take the
“ oaths of supremacy and allegiance ; the charge of
“ raising and paying whereof, he desired the Parlia-
“ ment to add to their former undertakings for that
“ war ; which he would not only well accept, but, if
“ their pay should be found too great a burden to his
“ good subjects, he would be willing, by the advice of
“ his Parliament, to sell, or pawn, any of his parks,
“ lands, or houses, towards the supplies of the service
“ of Ireland. With the addition of these levies to
“ the former of English, and Scottish, agreed upon in
“ Parliament, he said, he hoped so to appear in that
“ action, that, by the assistance of Almighty God, that
“ kingdom, in a short time, might be wholly reduced,
“ and restored to peace, and some measure of happi-
“ ness ; whereby he might cheerfully return, to be
“ welcomed home with the affections and blessings of
“ all his good English people.

“ Towards this good work, he said, as he had lately
“ made dispatches into Scotland, to quicken the levies
“ there for Ulster, so he heartily wished, that his Par-
“ liament would give all possible expedition to those,
“ which they had resolved for Munster and Canaught;
“ and hoped the encouragement, which the adven-
“ turers, of whose interests he would be always very
“ careful, would hereby receive, would raise full sums
“ of money for the doing thereof. He told them, that
“ out of his earnest desire to remove all occasions, which
“ did unhappily multiply misunderstandings between
“ him and his Parliament, he had likewise prepared a
“ bill to be offered to them by his Attorney concern-
“ ing the militia ; whereby he hoped the peace and
“ safety of the kingdom might be fully secured to the
“ general

“ general satisfaction of all men, without violation of
“ his Majesty’s just rights, or prejudice to the liberty
“ of the subject. If this should be thankfully re-
“ ceived, he said, he should be glad of it ; if refused,
“ he must call God, and all the world, to judge on
“ whose part the default was ; only he required, if the
“ bill should be approved of, that if any corporation
“ should make their lawful rights appear, they might
“ be reserved to them. He said, before he would part
“ from England, he would take all due care to entrust
“ such persons with such authority in his absence, as
“ he should find to be requisite for the peace and
“ safety of the kingdom, and the happy progress of
“ the Parliament.”

They neither before nor after ever received any message from his Majesty, that more discomposed them ; and so much the more, because that which gave them most umbrage could not be publicly and safely avowed by them. For though, to those who had a due reverence to the King’s person, and an impatient desire, that all misunderstandings might be composed, they urged, “ the hazard and danger to his Majesty’s person, in such an expedition, and the increase of jealousies and distractions, that would ensue in this kingdom by his absence ; ” and to others, who from the barbarity, inhumanity, and unheard of cruelty, exercised by the rebels in Ireland upon the English Protestants, (of which they every day received fresh and bleeding evidence), had contracted a great animosity against that whole nation, and were persuaded that the work of extirpation was not so difficult as in truth it was ; and to the adventurers, who had disbursed great sums of money, and had digested a full assurance of ample recompence, by confiscations and forfeitures ;

forfeitures ; “ that by this voyage of the King a peace “ would be in a short time concluded in that king-“ dom, to their great disadvantage and damage ; ” yet the true reasons, which surprised and startled them, were, that hereby the managing the war of Ireland would be taken out of their hands ; and so, instead of having a nursery for soldiers of their own, which they might employ as they saw occasion ; and a power of raising what money they pleased in this kingdom under that title, which they might dispose, as they found most fit for their affairs ; the King would probably in a short time recover one entire kingdom to his obedience, by which he might be able to preserve the peace of the other two. However, working by several impressions upon several affections, they found it no difficult thing to persuade, almost an unanimous, aversion from approving the journey ; they who usually opposed their advice not enduring to think of staying in England, where the power, at least for a time, would be in them, whose government, they knew, would be terrible, when his Majesty should be in Ireland. Upon this they dispatched a magisterial answer to the King, in which they told him :

“ That the Lords and Commons in Parliament had The answer
of both
Houses to
his Majes-
ty's message
of his going
in person
into Ire-
land, April
28, 1642.
“ duly considered the message, received from his
“ Majesty, concerning his purpose of going into Ire-
“ land in his own person to prosecute the war there,
“ with the bodies of his English subjects, levied, trans-
“ ported, and maintained at their charge ; which he
“ was pleased to propound to them, not as a matter,
“ wherein he desired the advice of his Parliament,
“ but as already firmly resolyed on, and forthwith to
“ be put in execution, by granting out commissions
“ for the levying of two thousand foot, and two hun-

" dred horse, for a guard for his person, when he
" should come into that kingdom ; wherein, they said,
" they could not but, with all reverence and humility
" to his Majesty, observe, that he had declined his
" great council, the Parliament, and varied from the
" usual course of his royal predecessors ; that a busi-
" ness of so great importance concerning the peace
" and safety of all his subjects, and wherein they have a
" special interest, by his Majesty's promise, and by
" those great sums, which they had disbursed, and for
" which they stood engaged, should be concluded,
" and undertaken, without their advice ; whereupon,
" they said, they held it their duty to declare, that if,
" at that time, his Majesty should go into Ireland, he
" would very much endanger the safety of his royal
" person and kingdoms, and of all other states professing
" the Protestant religion in Christendom, and make
" way to the execution of that cruel and bloody de-
" sign of the Papists, every where to root out and de-
" stroy the reformed religion ; as the Irish Papists had
" already, in a great part, effected in that kingdom ;
" and, in all likelihood, would quickly be attempted
" in other places, if the consideration of the strength
" and union of the two nations of England and Scot-
" land did not much hinder and discourage the ex-
" ecution of any such design. And that they might
" manifest to his Majesty the danger and misery, which
" such a journey and enterprise would produce, they
" presented to his Majesty the reasons of that their
" humble opinion and advice :

1. " His royal person would be subject, not only
" to the casualty of war, but to secret practices and
" conspiracies ; especially his Majesty continuing his
" profession to maintain the Protestant religion in that
" kingdom,

“ kingdom, which the Papists were generally bound
“ by their vow to extirpate.

2. “ It would exceedingly encourage the rebels ;
“ who did generally profess and declare, that his Ma-
“ jesty did favour and allow their proceedings, and
“ that this insurrection was undertaken by the war-
“ rant of his commission ; and it would make good
“ their expectation of great advantage, by his Majes-
“ ty’s presence at that time, of so much distraction
“ in this kingdom, whereby they might hope the two
“ Houses of Parliament would be disabled to supply
“ the war there, especially there appearing less neces-
“ sity of his Majesty’s journey at that time, by reason
“ of the manifold successes, which God had given
“ against them.

3. “ It would much hinder and impair the means
“ whereby the war was to be supported, and increase
“ the charge of it, and in both these respects make it
“ more insupportable to the subject ; and this, they said,
“ they could confidently affirm ; because many of the
“ adventurers, who had already subscribed, did, upon
“ the knowledge of his Majesty’s intention, declare
“ their resolution not to pay in their money ; and
“ others, very willing to have subscribed, do now pro-
“ fess the contrary.

4. “ His Majesty’s absence must necessarily very
“ much interrupt the proceedings of Parliament ; and
“ deprive his subjects of the benefit of those further
“ acts of grace and justice, which they should hum-
“ bly expect from his Majesty for the establishing a
“ perfect union, and mutual confidence between his
“ Majesty and his people, and procuring and confirm-
“ ing the prosperity and happiness of both.

5. “ It would exceedingly increase the fears and

“ jealousies of his people ; and render their doubts
“ more probable, of some force intended, by some
“ evil counsels near his Majesty, in opposition of the
“ Parliament, and favour of the malignant party of
“ this kingdom.

6. “ It would bereave his Parliament of that ad-
“ vantage, whereby they were induced to undertake
“ that war, upon his Majesty’s promise, that it should
“ be managed by their advice ; which could not be
“ done, if his Majesty, contrary to their counsels,
“ should undertake to order and govern it in his own
“ person.

“ Upon which, and divers other reasons, they said,
“ they had resolved, by the full and concurrent agree-
“ ment of both Houses, that they could not, with dis-
“ charge of their duty, consent to any levies or rais-
“ ing of soldiers to be made by his Majesty, for that
“ his intended expedition into Ireland ; or to the
“ payment of any army, or soldiers there, but such as
“ should be employed and governed according to
“ their advice and direction : and that, if such levies
“ should be made by any commission of his Majesty’s,
“ not agreed to by both Houses of Parliament, they
“ should be forced to interpret the same to be raised
“ to the terror of his people, and disturbance of the
“ public peace ; and did hold themselves bound, by
“ the laws of the kingdom, to apply the authority of
“ Parliament to suppress the same.

“ And, they said, they did further most humbly
“ declare, that if his Majesty should by ill counsel be
“ persuaded to go, contrary to that advice of his Parlia-
“ ment, (which they hoped his Majesty would not),
“ they did not, in that case, hold themselves bound
“ to submit to any commissioners, which his Majesty
“ should

“ I should choose ; but did resolve to preserve and go-
“ vern the kingdom, by the counsel and advice of
“ Parliament, for his Majesty and his posterity, ac-
“ cording to their allegiance, and the law of the land :
“ wherefore they did most humbly pray, and advise
“ his Majesty, to desist from that his intended passage
“ into Ireland, and from all preparation of men and
“ arms tending thereunto ; and to leave the manag-
“ ing of that war to his Parliament, according to his
“ promise made unto them, and his commission
“ granted under his Great Seal of England, by advice
“ of both Houses ; in prosecution whereof, by God’s
“ blessing, they had already made a prosperous en-
“ trance, by many defeats of the rebels, whereby
“ they were much weakened and disheartened ; and
“ had no probable means of subsistence, if the pro-
“ ceedings of the two Houses were not interrupted
“ by that interposition of his Majesty’s journey :
“ but they hoped, upon good grounds, that, with-
“ in a short time, without hazard of his person, **and**
“ so much dangerous confusion in his kingdoms,
“ which must needs ensue, if he should proceed in
“ that resolution, they should be enabled fully to vin-
“ dicate his Majesty’s right, and authority in that king-
“ dom ; and punish those horrible, outrageous cruel-
“ ties, which had been committed in the murthering
“ and spoiling so many of his subjects ; and to bring
“ that realm to such a condition, as might be much
“ to the advantage of his Majesty and the Crown, and
“ the honour of his government, and contentment of
“ his people : for the better and more speedy effe^t-
“ ting whereof, they did again renew their humble
“ desires of his return to his Parliament ; and that he
“ would please to reject all counsels and apprehen-

“ fions, which might any way derogate from that faithfulness and allegiance, which, in truth and sincerity, they had always borne and professed to his Majesty, and should ever make good, to the uttermost, with their lives and fortunes.”

To this petition (the matter whereof finding a general concurrence, there was the less debate and contradiction upon the manner of expression) being sent to the King to York ; and, in the mean time, all preparations being suspended for the necessary relief for Ireland, insomuch as with the votes (which were presently printed) against the King's journey, there was likewise an order printed to discourage the adventurers from bringing in their money ; the which, though it had no approbation from either House, and seemed to be angrily interpreted by them, and the printer was ordered to be found out and punished, yet did wholly stop that service ; and by the no-enquiry, or punishment of that boldness, appeared to be done by design) his Majesty speedily returned this answer.

The King's reply touching his going into Ireland.

“ That he was so troubled, and astonished to find that unexpected reception and misunderstanding of his message concerning his Irish journey, that (being so much disappointed of the approbation and thanks he looked for to that declaration) he had great cause to doubt, whether it were in his power to say or do any thing, which would not fall within the like interpretation : but he said, as he had, in that message, called God to witness the sincerity of the profession of his only ends for the undertaking that journey ; so he must appeal to all his good subjects, and the whole world, whether the reasons alleged against that journey were of weight to satisfy his understanding ; or the counsel, presented to dissuade

“ dissuade him from it, were full of that duty, as was
“ like to prevail over his affections. For the resolv-
“ ing of so great a business without the advice of his
“ Parliament, he said, he must remember them, how
“ often, by his message, he made the same offer, if
“ they should advise him thereunto ; to which they
“ never gave him the least answer ; but, in their late
“ declaration, told him, that they were not to be fa-
“ tisfied with words : so that he had reason to con-
“ ceive, they rather avoided, out of regard to his per-
“ son, to give him counsel to run that hazard, than
“ that they disapproved the inclination. And, he
“ asked them, what greater comfort or security the
“ Protestants of Christendom could receive, than by
“ seeing a Protestant King venture, and engage his
“ person for the defence of that religion, and the sup-
“ pression of Popery ? to which he solemnly protested,
“ in that message, never to grant a toleration, upon
“ what pretence soever, or any abolition of any of the
“ laws there in force against the professors of it. And,
“ he said, when he considered the great calamities,
“ and unheard of cruelties, his poor Protestant sub-
“ jects in that kingdom had undergone for the space
“ of near, or full six months ; the growth and in-
“ crease of the strength of those barbarous rebels ; and
“ the evident probability of foreign supplies, if they
“ were not speedily suppressed ; the very slow suc-
“ cours hitherto sent them from hence : that the of-
“ ficers of several regiments, who had long time been
“ allowed entertainment from them for that service,
“ had not raised any supply, or succour for that king-
“ dom ; that many troops of horse had long lain near
“ Chester untransported ; that the Lord Lieutenant
“ of Ireland, on whom he relied principally for the
“ conduct

" conduct and managing of affairs there, was still in
" this kingdom, notwithstanding his Majesty's ear-
" nestness expressed, that he should repair to his com-
" mand : and when he considered the many and great
" scandals raised upon himself by report of the rebels,
" and not sufficiently discountenanced here, notwith-
" standing so many professions of his Majesty ; and
" had seen a book, lately printed by the order of the
" House of Commons, intitled a Remonstrance of di-
" vers remarkable Passages concerning the Church
" and Kingdom of Ireland, wherein some examina-
" tions were set down, (how improbable or impossible
" soever), which might make an impression in the
" minds of many of his weak subjects : and, lastly,
" when he had duly weighed the dishonour that
" would perpetually lie upon this kingdom, if full and
" speedy relief were not dispatched thither ; his Ma-
" jesty could not think of a better way to discharge
" his duty to Almighty God, for the defence of the
" true Protestant religion, or to manifest his affection
" to his three kingdoms, for their preservation, than
" by engaging his person in that expedition, as many
" of his royal progenitors had done, even in foreign
" parts, upon causes of less importance and piety, with
" great honour to themselves, and advantage to this
" kingdom. And therefore he expected at least
" thanks for such his inclination.

" For the danger to his person, he said, he con-
" ceived it necessary, and worthy of a King, to ad-
" venture his life to preserve his kingdoms ; neither
" could it be imagined, that he would sit still, and
" suffer his kingdoms to be lost, and his good Pro-
" testant subjects to be massacred, without exposing
" his own person to the utmost hazard for their re-
" lief

“ lief and preservation ; his life, when it was most
“ pleasant, being nothing so precious to him, as it was,
“ and should be, to govern and preserve his people
“ with honour and justice.

“ For any encouragement to the rebels, because of
“ the reports they raised, he said, he could not con-
“ ceive, that the rebels were capable of a greater ter-
“ ror, than by the presence of their lawful King, in
“ the head of an army, to chastise them. Besides,
“ it would be an unspeakable advantage to them, if
“ any report of theirs could hinder him from doing
“ any thing, which were fit for him to do, if such
“ report were not raised : that would quickly teach
“ them, in this jealous age, to prevent, by such re-
“ ports, any other persons coming against them, whom
“ they had no mind should be employed.

“ He told them, that he marvelled, that the adven-
“ turers, whose advantage was a principal motive (next
“ the reasons before mentioned) to him, should so
“ much mistake his purpose ; whose interest he con-
“ ceived must be much improved by the expedition
“ he hoped, by God’s blessing, to use in that service ;
“ that being the most probable way for the speedy
“ conquest of the rebels, their lands were sufficiently
“ secured by act of Parliament.

“ He told him, he thought himself not kindly used,
“ that the addition of so few men to their levies (for
“ a guard to his person in Ireland) should be thought
“ fit for their refusal ; and much more, that having
“ used so many cautions in that message, both in the
“ smallness of the number ; in his having raised none,
“ until their answer ; in their being to be raised only
“ near the place of shipping ; in their being there to
“ be armed, and that not till they were ready to be
“ shipped ;

“ shipped ; in the provision, by the oaths, that none
“ of them should be Papists (all which were sufficient
“ to destroy all grounds of jealousy of any force in-
“ tended by them in opposition to the Parliament,
“ or favour to any malignant party) any suspicion
“ should, notwithstanding, be grounded upon it.

“ Neither, he said, could it be understood, that,
“ when he recommended the managing of that war
“ to them, he intended to exclude himself, or not to
“ be concerned in their counsels, that if he found any
“ expedient, (which, in his conscience and under-
“ standing, he thought necessary for that great work),
“ he might not put it in practice. He told them, he
“ looked upon them as his great council, whose ad-
“ vice he always had, and would, with great regard
“ and deliberation, weigh and consider : but he looked
“ upon himself as neither deprived of his understand-
“ ing, or divested of any right he had, if there were
“ no Parliament sitting. He said, he called them
“ together by his own writ and authority (without
“ which they could not have met) to give him faith-
“ ful counsel about his great affairs ; but he resigned
“ not up his own interest and freedom ; he never
“ subjected himself to their absolute determination ;
“ he had always weighed their counsels, as proceeding
“ from a body entrusted by him ; and when he had dis-
“ sented from them, he had returned them the reasons,
“ which had prevailed with his conscience and under-
“ standing, with that candour, which a prince should
“ use towards his subjects ; and that affection, which
“ a father could express to his children. What ap-
“ plication had been used to rectify his understand-
“ ing by reasons, or what motives had been given to
“ persuade his affections, he would leave all the world

“ to

“ to judge. And then, he said, he must tell them, “ howsoever a major part might bind them in matter of opinion, he held himself (and he was sure the law and constitution of the kingdom had always held the same) as free to dissent, till his reason was convinced for the general good, as if they had delivered no opinion.

“ For his journey itself, he told them the circumstances of their petition were such, as he knew not well what answer to return, or whether he were best to give any; that part which pretended to carry reason with it did no way satisfy him; the other, which was rather reprehension and menace, than advice, could not stagger him. His answer therefore was, that he should be very glad to find the work of Ireland so easy as they seemed to think it; which did not so appear by any thing known to him, when he sent his message: and though he would never refuse, or be unwilling, to venture his person for the good and safety of his people, he was not so weary of his life, as to hazard it impertinently; and therefore, since they seemed to have received advertisements of some late and great successes in that kingdom, he would stay some time to see the event of those, and not pursue his resolution till he had given them a second notice: but if he found the miserable condition of his poor subjects of that kingdom were not speedily relieved, he would, with God’s assistance, visit them with such succours as his particular credit and interest could supply him with, if they refused to join with him. And he doubted not but the levies he should make (in which he would observe punctually the former, and all other cautions, as might best prevent all fears and jealousies;

“ louties ; and to use no power but what was legal) “ would be so much to the satisfaction of his subjects, “ as no person would dare presume to resist his commands ; and if they should, at their peril be it. “ In the mean time, he hoped his forwardness, so remarkable to that service, should be notorious to all “ the world ; and that all scandals, laid on him in “ that busines, should be clearly wiped away.

“ He told them, he had been so careful that his journey into Ireland should not interrupt the proceedings of Parliament, nor deprive his subjects of any acts of justice, or further acts of grace for the real benefit of his people, that he had made a free offer of leaving such power behind, as should not only be necessary for the peace and safety of the kingdom, but fully provide for the happy progress of the Parliament : and therefore he could not but wonder, since such power had been always left here, by commission, for the government of this kingdom, when his progenitors had been out of the same, during the sitting of Parliaments ; and since themselves desired that such a power might be left here by his Majesty, at his last going into Scotland ; what law of the land they had now found to dis pense with them from submitting to such authority, legally derived from him, in his absence ; and to enable them to govern the kingdom by their own mere authority.

“ For his return to London, he said, he had given them so full answers in his late declaration, and answers that he knew not what to add to, if they would not provide for his security with them, nor agree to remove to another place, where there might not be the same danger to his Majesty. He told them,

“ them, he expected, that (since he had been so particular in the causes and grounds of his fears) they should have sent him word, that they had published such declarations against future tumults and unlawful assemblies, and taken such courses for the suppression of seditious pamphlets and sermons, that his fears of that kind might be laid aside, before they should pres his return.

“ To conclude, he told them, he could wish, that they would, with the same strictness and severity, weigh and examine their messages and expressions to him, as they did those they received from him. For he was very confident, that if they examined his rights and privileges, by what his predecessors had enjoyed; and their own addresses, by the usual courses observed by their ancestors; they would find many expressions in that petition, warranted only by their own authority; which indeed he forbore to take notice of, or to give answer to, lest he should be tempted, in a just indignation, to express a greater passion, than he was yet willing to put on. God in his good time, he hoped, would so inform the hearts of all his subjects, that he should recover from the mischief and danger of that dis temper; on whose good pleasure, he said, he would wait with all patience and humility.”

From this time the purpose was never resumed of his Majesty's personal expedition into Ireland, and so they were freed from that apprehension. The truth is, that counsel for his Majesty's journey into Ireland was very suddenly taken, and communicated to very few, without consideration of the objections, that would naturally arise against it; and was rather resolved as a probable stratagem, to compose the two Houses

Houses to a better temper and sobriety, upon the apprehension of the King's absence from them, and the inconveniences that might thence ensue, than sufficiently considered and digested for execution. For none were more violent against it than they who served the King most faithfully in the Houses; who, in the King's absence, and after such a grant of the militia, as was then offered, looked upon themselves as sacrificed to the pride and fury of those, whose inclinations and temper had begot the confusions they complained of. But if it had been so duly weighed and consulted, and men so disposed, that it might have been executed, and the King had taken a fit council and retinue about him, it would at that time have been no hard matter speedily to have reduced Ireland; and, by the reputation and authority of that, the other two kingdoms might have been contained within their proper bounds: But, as it fell out, the overture proved disadvantageous to the King, and gave the other party new cause of triumph, that they had plainly threatened him out of what he pretended to have firmly resolved to do; which disadvantage was improved by the other proposition, that attended it, concerning the militia. For the bill, sent by the King upon that argument, brought the business again into debate; and, though nothing was concluded upon it, the King was a loser by the proposition, though not so much as he feared he should have been, when he saw his journey into Ireland desperate; upon the supposition of which, he had only made that tender.

The bill sent by the King, and preferred to the House of Peers, by the Attorney General, granted the militia, for one year, to the persons first nominated by

by the Houses in their ordinances to his Majesty ; and made those persons, in the execution of that trust, subject to the authority of his Majesty and the two Houses jointly, whilst his Majesty was within the kingdom ; and, in his absence, of the two Houses only. What alterations and amendments they made in it before they returned it again for the royal assent, will best appear by the King's answer, which he sent to them at the time of his refusal to pass it ; which was,

“ That he had, with great deliberation and patience, His Majes-
 “ weighed and considered (as it concerned him much ty's mes-
 “ to weigh the consequences of every law before he sage to both
 “ passed it) their bill lately sent to him for the Houses Apr.
 “ settling the militia ; and though it had not been 28, 1642.
 “ usual to give any reason for the refusal to pass any concerning
 “ bill, it being absolutely in his power to pass, or not his refusal
 “ to pass any act sent to him, if he conceived it pre- to pass the
 “ judicial to himself, or inconvenient to his subjects, bill for the
 “ for whom he was trusted, and must one day give an militia.
 “ account ; yet, in that business of the militia, which,
 “ being misunderstood amongst his good subjects,
 “ had been used as an argument, as if he were not
 “ vigilant enough for the public safety, and lest he
 “ should be thought less constant in his resolutions,
 “ and that bill to be the same he had sent to them, he
 “ thought fit to give them, and all the world, particu- .
 “ lar satisfaction, why he could not, ought not, must
 “ not pass that bill, being the first public bill he had
 “ refused this Parliament : and therefore, he told
 “ them, he must complain, that having expressed
 “ himself so clearly and particularly to them in that
 “ point, they should press any thing upon him, which
 “ they could not but foresee he must refuse ; except
 “ he

" he departed from those resolutions, grounded upon
" so much reason, he had so earnestly before ac-
" quainted them with, and against which they had
" not given one argument to satisfy his judgment.

" He told them, he was pleased they had declined
" the unwarrantable course of their ordinance, (to the
" which, he was confident, his good subjects would
" never have yielded their consent), and chosen that
" only right way of imposing upon the people, which
" he would have allowed but for the reasons following:

" He said, he had refused to consent to their ordi-
" nance, as for other things, so far that the power
" was put into the persons nominated therein by di-
" rection of both Houses of Parliament, excluding
" his Majesty from any power in the disposition or
" execution of it together with them : he had then
" advised them, for many reasons, that a bill should
" be prepared ; and after, in his answer of the 26th
" of March to the petition of both Houses, he had
" told them, if such a bill should be prepared with
" that due regard to his Majesty, and care of his
" people, in the limitation of the power, and other cir-
" cumstances, he should recede from nothing he for-
" merly expressed.

" What passed (enough to have discouraged him
" from being further solicitous in that argument)
" after his full and gracious answers, he was content
" to forget. When he resolved on his journey into
" Ireland, so that, by reason of his absence, there
" might be no want of settling that power; besides
" complying with their fears, he sent, together with
" a message of that his purpose, a bill for settling the
" power for a year ; hoping in that time to return to
" them, and being sure that, in much less time, they
" might

“ might do the business, for which at first they
“ seemed to desire this ; which was, that they might
“ securely consider his message of the 20th of Ja-
“ nuary last. By that bill, which he sent, he con-
“ sented to those names they proposed in their ordi-
“ nance, and to the limitation of the power ; provided,
“ that himself should not be able to execute any thing
“ but by their advice ; and, when he should be out of
“ the kingdom, the sole execution to be in them ;
“ with many other things, of so arbitrary and uncir-
“ cumscribed a power, that he should not have con-
“ sented to, but with reference to the absence of his
“ own person out of the kingdom ; and thought it
“ the more sufferable, in respect the time was but for
“ a year. Whether that bill, they had sent to him to
“ pass, were the same, the world would judge.

“ He said, they had by that bill tendered to his
“ Majesty, without taking notice of him, put the
“ power of the whole kingdom, the life and liberties
“ of the subjects of all degrees and qualities, into the
“ hands of particular men, for two years. He asked
“ them, if they could imagine he would trust such an
“ absolute power in the hands of particular persons,
“ which he had refused to commit to both Houses
“ of Parliament ? Nay, if the power itself were not
“ too absolute, too unlimited, to be committed into
“ any private hands ? Whether Sir John Hotham’s
“ high insolence shewed him not, what he might ex-
“ pect from an exorbitant legal power, when he, by
“ a power not warrantable by law, durst venture upon
“ a treasonable disobedience ? But his Majesty would
“ willingly know, and indeed such an account in or-
“ dinary civility, he said, he might have expected,
“ why he was, by that act, absolutely excluded from

“any power, or authority, in the execution of the
“militia. He said, sure their fears and jealousies were
“not of such a nature, as were capable of no other
“remedy, than by leaving him no power in a point
“of the greatest importance ; in which God, and the
“law, had trusted him solely, and which he had
“been contented to share with them by his own bill,
“by putting it, and a greater, into the hands of parti-
“cular subjects. He asked them, what all Christian
“princes would think of him after he had passed such
“a bill ? How they would value his sovereignty ?
“And yet, he said, sure his reputation with foreign
“princes was some ground of their security. Nay, he
“was confident, by that time they had thoroughly
“considered the possible consequence of that bill,
“upon themselves, and the rest of his good subjects,
“they would all give him thanks for not consenting
“to it ; finding their condition, if it should have
“passed, would not have been so pleasing to them.
“He told them, he hoped that animadversion would
“be no breach of their privileges. In that throng of
“business and distemper of affections, it was possible,
“second thoughts might present somewhat to their
“considerations, which escaped them before.

“He remembered them, that he had passed a bill
“this Parliament, at their entreaty, concerning the
“captives of Algiers, and waved many objections of
“his own to the contrary, upon information that the
“business had been many months considered by them ;
“whether it proved suitable to their intentions, or
“whether they had not, by some private orders,
“suspended that act of Parliament upon view of the
“mistakes, themselves best knew ; as likewise, what
“other great alterations they had made upon other
“bills,

“ bills, passed this session. He told them, he could “ not pass over the putting their names out of that “ bill, whom before they had recommended to him in “ their ordinance, not thinking fit, it seemed, to trust “ those who would obey no guide but the law of the “ land, (he imagined they would not wish he should in “ his estimation of others follow that their rule), and “ the leaving out, by special provision, the present “ Lord Mayor of London, as a person in their disfa- “ vor; whereas, he said, he must tell them, his de- “ meanour had been such, that the city, and the whole “ kingdom, was beholding to him for his example.

“ To conclude, he said, he did not find himself “ possessed of such an excess of power, that it was “ fit to transfer, or consent it should be in other “ persons, as was directed by that bill; and therefore “ he should rely upon that royal right and jurisdiction, which God and the law had given him, for “ the suppressing of rebellion, and resisting foreign “ invasion; which had preserved the kingdom in the “ time of all his ancestors, and which he doubted “ not but he should be able to execute. And, not “ more for his own honour and right, than for the “ liberty and safety of his people, he could not con- “ sent to pass that bill.”

Though no sober man could deny the reasonableness of that answer, and that there was indeed so great a difference between the bill sent by his Majesty, and that presented to him from the two Houses, that it could not soberly be imagined he would consent to it; yet, it had been better for his Majesty, that the first overture from himself had never been made; it giving new life, spirit, and hopes to them; and they making the people believe (who understood

not the difference, and knew not that the King's pleasure, signified by both Houses of Parliament, was in effect the pleasure of both Houses without the King) that his Majesty now refused to consent to what himself had offered and proposed ; whilst his own party (for so those begun now to be called, who preserved their duty and allegiance entire) was as much troubled to find so sovereign a power of the Crown offered to be parted with to the two Houses, as was tendered to them by the King's own bill ; and that it was possible for his Majesty to recede from his firmest resolves, even in a point, that would not naturally admit of the least division, or diminution.

The King, being well pleased that he had gone through one of his resolutions, and not much troubled at the anger it had produced, and finding his court full of persons of quality of the country, who made all expressions of affection and duty, which they thought would be most acceptable to him, resolved to undertake another enterprize, which was of more importance, and which in truth was the sole motive of his journey into those parts. The great magazine of arms and ammunition, which was left upon the disbanding the army, remained still at Hull, and was a nobler proportion than remained in the Tower of London, or all other his Majesty's stores ; and there had been formerly a purpose to have secured the same by the Earl of Newcastle's presence there, which had been disappointed, as hath been before mentioned, and Sir John Hotham sent thither to look to it ; who was now there only with one of the companies of the Trained Bands : and so the King resolved that he would himself make a journey thither, with his own usual train ; and being there, that he would stay there, till he

he had secured the place to him. This was his purpose ; which he concealed to that degree, that very few about him knew any thing of it.

As soon as it was known that his Majesty meant to reside in York, it was easily suspected, that he had an eye upon that magazine ; and therefore they made an order in both Houses, "That the magazine should " be removed from Hull to the Tower ;" and ships were making ready for the transportation ; so that his Majesty could no longer defer the execution of what he designed. And, being persuaded, by some who believed themselves, that, if he went thither, it would neither be in Sir John Hotham's will, nor in his power, to keep him out of that town ; and that, being possessed of so considerable a post, and of the magazine there, he should find a better temper towards a modest and dutiful treaty ; his Majesty took the opportunity of a petition presented to him by the gentlemen of Yorkshire, (who in truth were much troubled at the order for removing the magazine from Hull ; and were ready to appear in any thing for his service), in which "they desired him to cast his eye and " thoughts upon the safety of his own person, and " his princely issue, and that whole county ; a great " means whereof, they said, did consist in the arms " and ammunition at Hull, placed there by his prince- " ly care and charge ; and since, upon general appre- " hensions of dangers from foreign parts, thought fit " to be continued : and they did very earnestly be- " seech him, that he would take such course, that " it might still remain there, for the better secur- " ing those, and the rest of the northern parts." Hereupon, he resolved to go thither himself ; and, the night before, he sent his son the Duke of York,

who was lately arrived from Richmond, accompanied with the Prince Elector, thither, with some other persons of honour; who knew no more, than that it was a journey given to the pleasure and curiosit of the Duke. Sir John Hotham received them with that duty and civility that became him. The next morning early, the King took horse from York; and, attended with two or three hundred of his servants, and gentlemen of the country, rode thither; and, when he came within a mile of the town, sent a gentleman to Sir John Hotham, “to let him know that the King ‘would that day dine with him;’ with which he was strangely surprised, or seemed to be so.

The man was of a fearful nature, and perplexed understanding, and could better resolve upon deliberation than on a sudden; and many were of opinion, that if he had been prepared dexterously beforehand, and in confidence, he would have conformed to the King’s pleasure; for he was master of a noble fortune in land, and rich in money; of a very ancient family, and well allied; his affections to the government very good; and no man less desired to see the nation involved in a civil war, than he: and, when he accepted this employment from the Parliament, he never imagined it would engage him in rebellion; but believed, that the King would find it necessary to comply with the advice of his two Houses; and that the preserving that magazine from being possessed by him, would likewise prevent any possible rupture into arms. He was now in great confusion; and calling some of the chief magistrates, and other officers, together to consult, they persuaded him, not to suffer the King to enter into the town. And his Majesty coming within an hour after his messenger, found the gates

gates shut, and the bridges drawn, and the walls manned ; all things being in a readiness for the reception of an enemy. Sir John Hotham himself from the walls, with several professions of duty, and many expressions of fear, telling his Majesty, “that he durst “not open the gates, being trusted by the Parliament ;” the King told him, “that he believed he “had no order from the Parliament to shut the gates “against him, or to keep him out of the town.” He replied, “that his train was so great, that if it were “admitted, he should not be able to give a good “account of the town.” Whereupon the King offered “to enter with twenty horse only, and that the “rest should stay without.” The which the other refusing, the King desired him “to come to him, “that he might confer with him, upon his princely “word of safety, and liberty to return.” And when he excused himself likewise from that, his Majesty told him, “that as this act of his was unparalleled, “so it would produce some notable effect ; that it “was not possible for him to sit down by such an in-“dignity, but that he would immediately proclaim “him traitor, and proceed against him as such ; “that this disobedience of his would probably bring “many miseries upon the kingdom, and much loss of “blood ; all which might be prevented, if he per-“formed the duty of a subject ; and therefore ad-“vised him to think sadly of it, and to prevent the “necessary growth of so many calamities, which must “lie all upon his conscience.” The gentleman, with much distraction in his looks, talked confusedly of the “trust he had from the Parliament ;” then fell on his knees, and wished, “that God would bring “confusion upon him, and his, if he were not a loyal

" and faithful subject to his Majesty ;" but, in conclusion, plainly denied to suffer his Majesty to come into the town. Whereupon, the King caused him immediately to be proclaimed a traitor ; which the other received with some expressions of undutifulness and contempt. And so the King, after the Duke of York, and the Prince Elector, with their retinue, were come out of the town, where they were kept some hours, was forced to retire that night to Beverly, four miles from that place ; and the next day returned to York, full of trouble, and indignation for the affront he had received ; which he fore-saw would produce a very great deal of mischief.

The King's
message to
the two
Houses
concerning
Hull.

The King sent an express to the two Houses with a message, declaring what had passed ; and, " that Sir John Hotham had justified his treason and disloyalty, " by pretence of an order and trust from them ; " which as he could not produce, so, his Majesty was " confident, they would not own ; but would be " highly sensible of the scandal he had laid upon " them, as well as of his disloyalty to his Majesty. " And therefore he demanded justice of them against " him, according to law." The Houses had heard before of the King's going out of York thither, and were in terrible apprehension that he had possessed himself of the town ; and that Sir John Hotham, (for they were not confident of him, as of a man of their own faith), by promises or menaces, had given up the place to him ; and, with this apprehension, they were exceedingly dejected : but when they heard the truth, and found that Hull was still in their hands, they were equally exalted, magnifying their trusty governor's faith, and fidelity against the King. In the mean time, the gentlemen of the North expressed a marvellous sense and passion

passion on his Majesty's behalf ; and offered to raise the force of the county to take the town by force. But the King chose, for many reasons, to send again to the Houses another message, in which he told them,

His Majef-
ty's second
message to
the two
Houses
concerning
Hull.

“ That he was so much concerned in the undutiful affront (an indignity all his good subjects must disdain in his behalf) he had received from Sir John Hotham at Hull, that he was impatient till he received justice from them ; and was compelled to call again for an answer, being confident, however they had been so careful, though without his consent, to put a garrison into that his town, to secure it, and his magazine against any attempt of the Papists, that they never intended to dispose, and maintain it against him, their sovereign. Therefore he required them forthwith (for the business would admit no delay) to take some speedy course, that his said town and magazine might be immediately delivered up unto him ; and that such severe exemplary proceedings should be against those persons, who had offered that insupportable affront and injury to him, as by the law was provided ; and, till that should be done, he would intend no business whatsoever, other than the business of Ireland. For, he said, if he were brought into a condition so much worse than any of his subjects, that, whilst they all enjoyed their privileges, and might not have their possessions disturbed, or their titles questioned, he only might be spoiled, thrown out of his towns, and his goods taken from him, it was time to examine how he had lost those privileges ; and to try all possible ways, by the help of God, the law of the land, and the affection of his good subjects, to “ cover

“ cover them, and to vindicate himself from those in-
“ juries; and, if he should miscarry therein, he should
“ be the first prince of this kingdom, which had
“ done so, having no other end but to defend the
“ true Protestant religion, the law of the land, and the
“ liberty of the subject; and he desired God so to deal
“ with him, as he continued in those resolutions.”

Instead of any answer to his Majesty upon these two messages, or sadly considering how this breach might be made up, they immediately publish (together with a declaration of their former jealousies of the Papists ; of the malignant party ; of the Lord Digby's letter intercepted ; of the Earl of Newcastle's being sent thither, upon which they had first sent down a governor, and put a garrison into Hull) several votes and resolutions, by which they declared,

“ That Sir John Hotham had done nothing but in
“ obedience to the command of both Houses of Par-
“ liament, and that the declaring of him a traitor,
“ being a Member of the House of Commons, was a
“ high breach of the privilege of Parliament, and,
“ being without due process of law, was against the
“ liberty of the subject, and against the law of the
“ land.”

And hearing at the same time, that a letter, coming from Hull to them the night after the King's being there, had been intercepted by some of his Majesty's servants, they declared, “ that all such intercepting “ of any letters sent to them, was a high breach of “ the privilege of Parliament, which by the laws of the “ kingdom, and the protestation, they were bound to de-“ fend with their lives, and their fortunes, and to bring “ the violator thereof to condign punishment.” Then they ordered, that the Sheriffs and Justices of the peace
of

of the counties of York and Lincoln, and all others his Majesty's officers, should suppress all forces, that should be raised or gathered together in those counties, either to force the town of Hull, or stop the passages to and from the same, or in any other way to disturb the peace of the kingdom. All which votes, orders, and declarations, being printed, and diligently dispersed throughout the kingdom before any address made to his Majesty in answer of his messages, and coming to his view, the King published an answer to those votes and declarations, in which he said :

“ Since his gracious messages to both Houses of Parliament, demanding justice for the high and unheard of affront offered unto him, at the gates of Hull, by Sir John Hotham, were not thought worthy of an answer; but that, instead thereof, they had thought fit, by their printed votes, to own and avow that unparalleled act to be done in obedience to the command of both Houses of Parliament, (though at that time he could produce no such command), and, with other resolutions against his proceedings there, to publish a declaration concerning that busines, as an appeal to the people, and as if their intercourse with his Majesty, and for his satisfaction, were now to no more purpose; though he knew that course of theirs to be very unsuitable to the modesty and duty of former times, and unwarrantable by any precedents, but what themselves had made; yet, he was not unwilling to join issue with them in that way, and to let all the world know, how necessary, just, and lawful all his proceedings had been in that point, and that the defence of those proceedings was the defence of the law of the land, of the liberty, and property

His Majesty's answer to the declaration, and votes concerning Hull.

“ perty of the subject ; and that by the same rule of
“ justice, which was now offered to him, all the pri-
“ vate interest and title of all his good subjects to all
“ their lands and goods was confounded and destroyed.
“ He remembered them, that Mr. Pym had said in
“ his speech against the Earl of Strafford, (which was
“ published by order of the Commons’ House), the
“ law is the safeguard, the custody of all private in-
“ terest ; your honours, your lives, your liberties, and
“ estates are all in the keeping of the law ; without
“ this every man hath a like right to any thing. And
“ he said, he would fain be answered what title any
“ subject of his kingdom had to his house and land,
“ that he had not to his town of Hull ? or what right
“ any subject had to his money, plate, or jewels, that
“ his Majesty had not to his magazine and munition
“ there ? If he had ever such a title, he said he would
“ know, when he lost it ? And if that magazine and
“ munition, bought with his own money, were ever
“ his, when and how that property went out of him ?
“ He very well knew the great and unlimited power
“ of a Parliament ; but he knew as well, that it was
“ only in that sense, as he was a part of that Parlia-
“ ment ; without him, and against his consent, the
“ votes of either or both Houses together must not,
“ could not, should not (if he could help it, for his
“ subjects’ sake, as well as his own) forbid any thing
“ that was enjoined by the law, or enjoin any thing
“ that was forbidden by the law. But in any such
“ alteration, which might be for the peace and hap-
“ piness of the kingdom, he had not, should not re-
“ fuse to consent. And he doubted not, but that all
“ his good subjects would easily discern, in what a
“ miserable insecurity and confusion they must ne-
“ cessarily

“ ceſſarily and inevitably be, if descents might be altered ; purchases avoided ; assurances and conveyances cancelled ; the ſovereign legal authority defiſed, and refiſted by votes, or orders of either or both Houses. And this, he ſaid, he was ſure, was his case at Hull ; and as it was his this day, by the ſame rule, it might be theirs to-morrow.

“ Against any desperate design of the Papists, of which they diſcourſed ſo much, he had ſufficiently expreſſed his zeal, and intentions ; and ſhould be as forward to adventure his own life and fortune, to oppose any ſuch designs, as the meanest ſubject in his kingdōms.

“ For the malignant party, he ſaid, as the law had not, to his knowledge, defined their condition, ſo neither House had preſented them to his Maſteſty, under ſuch a notion, as he miſt well understand, whom they intended ; and he ſhould therefore only enquire after and avoid the malignant party, under the character of perſons diſaffected to the peace and government of the kingdom, and ſuch who, negeſting and diſpifing the law of the land, had given themſelves other rules to walk by, and ſo diſpensed with their obedience to authority ; of thofe perſons, as deſtructive to the commonwealh, he ſhould take all poſſible cauſion.

“ Why any letters intercepted from the Lord Digby, wherein he mentioned a retreat to a place of ſafety, ſhould hinder him from viſiting his own fort, and how he had oppoſed any ways of accommodation with his Parliament, and what ways and overtures had been offered in any way, or like any deſire of ſuch accommodation ; or whether his message of the twentieth of January laſt, ſo often

“ in

“ in vain pressed by him, had not sufficiently ex-
“ pressed his earnest desire of it, he said, all the world
“ shoud judge ; neither was it in the power of any
“ persons to incline him to take arms against his Par-
“ liament, and his good subjects, and miserably to
“ embroil the kingdom in civil wars. He had given
“ sufficient evidence to the world how much his af-
“ fections abhorred, and how much his heart did
“ bleed at, the apprehension of a civil war. And, he
“ said, God and the world must judge, if his care and
“ industry were not, only to defend and protect the
“ liberty of the subject, the law of the kingdom, his
“ own just rights, (part of that law), and his honour,
“ much more precious than his life : and if, in oppofi-
“ tion to these, any civil war should arise, upon whose
“ account the blood, and destruction that must follow,
“ must be cast : God, and his own conscience, told
“ him, that he was clear.

“ For Captain Leg’s being sent heretofore to Hull,
“ or for the Earl of Newcastle’s being sent thither by
“ his warrant and authority, he said, he had asked
“ a question long ago, in his answer to both Houses
“ concerning the magazine at Hull, which, he had
“ cause to think, was not easy to be answered ; why
“ the general rumour of the design of Papists, in the
“ northern parts, should not be thought sufficient
“ ground for his Majesty to put such a person of ho-
“ nour, fortune, and unblemished reputation, as the
“ Earl of Newcastle was known to be, into a town
“ and fort of his own, where his own magazine lay ;
“ and yet the same rumour be warrant enough to
“ commit the same town and fort, without his con-
“ sent, to the hands of Sir John Hotham, with such a
“ power as was now too well known, and understood ?

“ How

“ How his refusal to have that magazine removed,
“ upon the petition of both Houses, could give any
“ advantage against him, to have it taken from him,
“ and whether it was a refusal, all men would easily
“ understand, who read his answer to that petition ;
“ to which it had not been yet thought fit to make
“ any reply.

“ For the condition of those persons, who pre-
“ fented the petition to him at York (whom that de-
“ clarations called, some few ill-affected persons about
“ the city of York) to continue the magazine at Hull ;
“ he said, he made no doubt, but that petition would
“ appear to be attested, both in number and weight,
“ by persons of honour and integrity, and much more
“ conversant with the affections of the whole country,
“ than most of those petitions, which had been re-
“ ceived with so much consent, and approbation. And
“ for the presumption of interposing their advice, his
“ Majesty the more wondered at that exception, when
“ such encouragement had been given, and thanks
“ declared to multitudes of mean, unknown people,
“ apprentices, and porters, who had accompanied pe-
“ titions of very strange natures.

“ For the manner of his going to Hull, he said, he
“ had clearly set forth the same, in his message to
“ both Houses of that busines ; and for any intelli-
“ gence given to Sir John Hotham of an intention to
“ deprive him of his life, as he knew there was no
“ such intention in him, having given him all possible
“ assurance of the same, at his being there, so he was
“ confident, no such intelligence was given, or if it
“ were, it was by some villain, who had nothing but
“ malice or design to fright him from his due obe-
“ dience ; and Sir John Hotham had all the reason to
“ affuse

“ assure himself, that his life would be in much more
“ danger by refusing to admit his King into his own
“ town and fort, than by yielding him that obedience,
“ which he owed by his oaths of allegiance and fu-
“ premacy, and the protestation, which he knew was
“ due and warrantable, by the laws of the land. For
“ the number of his attendants, though that could be
“ no warrant for such a disobedience in a subject, he
“ said, it was well known (as his Majesty had ex-
“ pressed in his message to both Houses, to which
“ credit ought to have been given) that he offered to
“ go into the town with twenty horse only, his whole
“ train being unarmed ; and whosoever thought that
“ too great an attendance for his Majesty and his
“ two sons, had sure an intention to bring him to a
“ meaner retinue, than they would yet avow.

“ Here then, he said, was his case, of which all the
“ world should judge : his Majesty endeavoured to
“ visit a town and fort of his own, wherein his own
“ magazine lay : a subject, in defiance of him, shuts
“ the gates against him ; with armed men resists, de-
“ nies, and opposes his entrance ; tells him, in plain
“ terms, he should not come in. He said, he did not
“ pretend to understand much law, yet, in the point of
“ treason, he had had much learning taught him this
“ Parliament ; and if the sense of the statute of the
“ 25th year of Edward III. chap. 2. were not very
“ differing from the letter, Sir John Hotham’s act
“ was no less than plain high treason : and he had
“ been contemptibly stupid, if he had, after all those
“ circumstances of grace and favour then shewed to
“ him, made any scruple to proclaim him traitor.
“ And whether he were so, or no, if he would render
“ himself, his Majesty would require no other trial,
“ than

“ than that which the law had appointed to every
“ subject, and which he was confident he had not, in
“ the least degree, violated in those proceedings; no
“ more than he had done the privilege of Parliament,
“ by endeavouring, in a just way, to challenge his
“ own unquestionable privileges. So that, in such a
“ case, the declaring him traitor, being a member of
“ the House of Commons, without process of law,
“ should be a breach of privilege of Parliament, (of
“ which he was sure none extended to treason, felony,
“ or breach of peace), against the liberty of the sub-
“ je~~t~~, or against the law of the land, he must have
“ other reasons than bare votes. He said, he would
“ know if Sir John Hotham had, with the forces by
“ which he kept him out of his town of Hull, pur-
“ sued him to the gates of York, which he might as
“ legally have done, whether his Majesty must have
“ staid from declaring him traitor till process of law
“ might have issued against him? Would fears and
“ jealousies dispense with necessary and real forms?
“ And must his Majesty, when actual war is levied
“ upon him, observe forms which the law itself doth
“ not enjoin? The case, he said, was truly stated,
“ let all the world judge (unless the mere sitting of a
“ Parliament did suspend all laws, and his Majesty
“ was the only person in England against whom trea-
“ son could not be committed) where the fault was;
“ and whatsoever course he should be driven to for the
“ vindication of that his privilege, and for the recove-
“ ry and maintenance of his known undoubted rights,
“ he doth promise, in the presence of Almighty God,
“ and as he hopes for his blessing in his success, that
“ he would, to the utmost of his power, defend and
“ maintain the true Protestant profession, the law of

" the land, the liberty of the subject, and the just
" privilege and freedom of Parliament.

" For the order of assistance given to the committees of both Houses, concerning their going to Hull,
" he said, he should say no more, but that those persons, named in that order, he presumed, would give
" no commands, or his good subjects obey other, than
" what were warranted by the law, (how large and unlimited soever the directions are, or the instructions
" might be), for to that rule he should apply his own
" actions, and by it require an account from other
" men ; and that all his good subjects might the better know their duty in matters of this nature, he
" wished them carefully to peruse the statute of the
" eleventh year of King Henry VII. ch. 1. He said,
" he would conclude with Mr. Pym's own words : If
" the prerogative of the King overwhelm the liberty
" of the people, it will be turned to tyranny ; if liberty undermine the prerogative, it would grow
" into anarchy, and so into confusion."

Besides their declaration, votes, and orders in the justification of Sir John Hotham, for his better encouragement, and for a ground of his son's residence at Hull, in whom they had in truth a firmer confidence than in the father, they ordered, " That if, by any force or accident, Sir John Hotham should lose his life, or otherwise die in that service, that his son should succeed him in the government ;" and having thus declared themselves, they thought fit at last to send some particular answer to the King upon that business ; which they were the rather inclined to do, that under that pretence they might send down a committee of their own to reside at York ; whereby they might receive constant animadversions of what happened,

happened, and what was designed, and their friends and dependents in that large, populous, and rich county, be the better confirmed in their affections and devotions to them ; and, to that purpose, they sent down the Lord Howard of Escrigg, the Lord Fairfax, Sir Hugh Cholmly, (a fast friend to Sir John Hotham), Sir Philip Stapleton, who had likewise married Hotham's daughter, and Sir Harry Cholmly, who presented their answer in writing to his Majesty ; the which, being of a mould unusual, and a dialect higher and rougher than even themselves had yet used, I have thought fit to insert in the same words it was delivered ; thus :

The most humble Answer of the Lords and Commons in Parliament to two Messages from your Sacred Majesty concerning Sir John Hotham's refusal to give your Majesty entrance into the town of Hull.

“ Your Majesty may be pleased to understand, that The answer
of the Lords
and Com-
mons to his
Majesty's
two mes-
sages con-
cerning
Hull. we, your great council, finding manifold evidences “ of the wicked counsels and practices of some in “ near trust and authority about you, to put the “ kingdom into a combustion, by drawing your Ma- “ jesty into places of strength, remote from your Par- “ liament, and by exciting your people to commo- “ tions, under pretence of serving your Majesty “ against your Parliament, lest this malignant party, “ by the advantage of the town, and magazine at “ Hull, should be enabled to go through with their “ mischievous intentions, did, in discharge of the “ great trust that lies upon us, and by that power “ which in cases of this nature resides in us, command “ the town of Hull to be secured by a garrison of the “ adjoining Trained Bands, under the government of

“ Sir John Hotham ; requiring him to keep the same
“ for the service of your Majesty and the kingdom :
“ wherein we have done nothing contrary to your
“ royal sovereignty in that town, or legal propriety in
“ the magazine.

“ Upon consideration of Sir John Hotham’s pro-
“ ceeding at your Majesty’s being there, we have
“ upon very good ground adjudged, that he could not
“ discharge the trust, upon which, nor make good the
“ end, for which he was placed in the guard of that
“ town and magazine, if he had let in your Majesty
“ with such counsellors and company as were then
“ about you.

“ Wherefore, upon full resolution of both Houses,
“ we have declared Sir John Hotham to be clear from
“ that odious crime of treason ; and have avowed,
“ that he hath therein done nothing but in obedience
“ to the command of both Houses of Parliament ;
“ assuring ourselves, that, upon mature deliberation,
“ your Majesty will not interpret his obedience to
“ such authority to be an affront to your Majesty, or
“ to be of that nature, as to require any justice to be
“ done upon him, or satisfaction to be made to your
“ Majesty : but that you will see just cause of joining
“ with your Parliament, in preserving and securing
“ the peace of the kingdom ; suppressing this wicked
“ and malignant party ; who, by false colours, and
“ pretensions of maintaining your Majesty’s preroga-
“ tive against the Parliament, (wherein they fully
“ agree with the rebels in Ireland), have been the
“ causes of all our distempers and dangers.

“ For prevention whereof we know no better re-
“ medy, than setting the militia of the kingdom, ac-
“ cording to the bill, which we have sent your Ma-
“ jesty,

"jefty, without any intention of deserting, or declining
 "the validity, or observance of that ordinance, which
 "passed both Houses, upon your Majesty's former
 "refusal: but we still hold that ordinance to be ef-
 "fectual by the laws of this kingdom. And we shall
 "be exceeding glad, if your Majesty, by approving
 "these our just, dutiful, and necessary proceedings,
 "shall be pleased to entertain such counsel, as we af-
 "sure ourselves, by God's blessing, will prove very
 "advantageous for the honour and greatness of your
 "Majesty; the safety and peace of your people;
 "amongst which we know none more likely to pro-
 "duce such good effects, than a declaration from
 "your Majesty of your purpose to lay aside all
 "thoughts of going into Ireland, and to make a spee-
 "dy return into these parts, to be near your Parlia-
 "ment. Which, as it is our most humble desire, and
 "earnest petition, so shall it be seconded with our
 "most dutiful care for the safety of your royal per-
 "son, and constant prayers, that it may prove ho-
 "nourable and successful, in the happiness of your
 "Majesty, and all your kingdoms."

To this answer, with all formality delivered to his Majesty by the committee, the King returned a quick reply :

"That he had been in good hope, that the reason, His Majes-
 "why they had so long deferred their answer to his
 "messages concerning Hull, had been; that they
 "might the better have given him satisfaction there-
 "in, which now added the more to his astonishment,
 "finding their answer, after so long adviseinent, to
 "be of that nature, which could not but rather in-
 "crease than diminish the present distractions, if con-
 "stantly adhered to by the Parliament. He asked them,

“ whether it was not too much, that his town of Hull
“ had a garrison put into it, to the great charge of the
“ country, and inconvenience to the poor inhabitants,
“ without his consent and approbation, under colour
“ at that time of foreign invasion, and apprehensions
“ of the Popish party ; but that now the reasons there-
“ of should be enlarged with a scandal to his Majesty,
“ and his faithful servants, only to bring in the more
“ specious pretext for the avowing Sir John Hotham’s
“ insolence and treason ?

“ He said, he had often heard of the great trust,
“ that, by the law of God and man, was committed to
“ the King for the defence and safety of his people ;
“ but as yet he never understood, what trust or power
“ was committed to either or both Houses of Parlia-
“ ment, without the King ; they being summoned to
“ counsel and advise the King. But by what law or
“ authority they possess themselves of his Majesty’s
“ right and inheritance, he was confident, that as they
“ had not, so they could not shew. He told them,
“ that he had not hitherto given the least interruption
“ to public justice ; but they, rather than suffer one
“ of their members to come so much as to a legal
“ trial for the highest crime, would make use of an
“ order of Parliament to countenance treason, by de-
“ claring him free from that guilt, which all former
“ ages never accounted other ; and that without so
“ much as inquiring the opinion of the judges ; for
“ he was confident, they would have mentioned their
“ opinion, if they had asked it.

“ Therefore he expected, that upon further and
“ better consideration of the great and necessary con-
“ sequence of the business of Hull, and seriously
“ weighing, how much it did concern the peace and
“ quiet

“ quiet of the kingdom, they would, without further instance from his Majesty, give him full and speedy justice against Sir John Hotham. And he said, he “ would leave all his good people to think, what hope “ of justice there was left for them, when they refused, “ or delayed, to give their own Sovereign satisfaction. “ And, as he had already said, till that should be done, “ he would intend no business whatsoever, other than “ that of Ireland.

“ And he said, he likewise expected that they would “ not put the militia in execution, until they could “ shew him by what law they had authority to do the “ same, without his consent; or if they did, he was “ confident, that he should find much more obedience according to law, than they would do against “ law. And he should esteem all those, who should “ obey them therein, to be disturbers of the peace of “ the kingdom; and would, in due season, call them “ to a legal account for the same.

“ Concerning his return, he told them, he never “ heard that the flandering of a King’s government, “ and his faithful servants, the refusing of him justice, “ and in a case of treason, and the seeking to take “ away his undoubted and legal authority, under the “ pretence of putting the kingdom into a posture of “ defence, were arguments to induce a King to come “ near, or hearken to his Parliament.”

The King dispatched this answer the sooner, that the country might be freed from the impression, the presence and activity of the committee made in them: but when he delivered it to them, and required them to make all convenient haste with it to the Houses, they told him, “ they would send it by an express, but “ that themselves were required and appointed still

"to reside at York. The King told them, that he
"liked not such supervisors near him, and wished
"them to be very careful in their carriage; that the
"country was visibly then very well affected; and if he
"found any declension, he well knew to whom to
"impute it; and should be compelled to proceed in
"another manner against them, than, with reference
"to their persons," (for they were all then reputed
moderate men, and had not been thought disaffected
to the government of Church or State), "he should
"be willing to do." They answered with a full
confidence, "that they should demean themselves ac-
cording to their instructions; and would perform
"the trust reposed in them by the two Houses of Par-
liament." Yet such was the ticklishness of the
King's condition, that, though it was most evident
that their coming, and staying there, was to pervert
and corrupt the loyalty and affections of those parts,
and to infuse into them inclinations contrary to their
allegiance, it was not thought counsellable at that
time, either to commit them to prison, or to expel them
from that city, or to inhibit them the freedom of his
own court and presence; and so they continued for the
space of above a month, in York, even in defiance of
the King.

The militia was the argument, which they found
made deepest impression in the people, being totally
ignorant what it was, or what the consequence of it
might be; and so believing whatsoever they told
them concerning it. And therefore they resolved to
drive that nail home; and though, for want of their
imminent danger, and during the time of the King's
treason, and overture of a bill, they had forborne the ex-
ecution of their ordinance; yet the frequent musters
of

of volunteers without order, almost in all countries, by the bare authority of their votes, gave them sufficient evidence how open the people were to their commands; at least, how unprepared authority was to resist and oppose them: and therefore, after the King had displaced their two favourites, and refused to pass the bill for the militia, and Sir John Hotham had refused to let the King come into the town of Hull, and they had justified him for so doing, they prepared a declaration concerning the whole state of the militia, as the resolution of the Lords and Commons upon that matter; in which they said,

“ That holding it necessary for the peace and safety The decla-
 “ of the kingdom, to settle the militia thereof, they ration of
 “ had, for that purpose, prepared an ordinance of Par- the two
 “ liament, and with all humility had presented the Houses
 “ same to his Majesty for his royal assent. Who, not- about the
 “ withstanding the faithful advice of his Parliament, militia,
 “ and the several reasons offered by them, of the ne- May 5,
 “ cessity thereof for the securing of his Majesty’s per- 1642.
 “ son, and the peace and safety of his people, did re-
 “ fuse to give his consent; and thereupon they were
 “ necessitated, in discharge of the trust reposed in
 “ them, as the representative body of the kingdom,
 “ to make an ordinance, by the authority of both
 “ Houses, to settle the militia, warranted thereunto
 “ by the fundamental laws of the land: that his Ma-
 “ jesty, taking notice thereof, did, by several messages,
 “ invite them to settle the same by act of Parliament;
 “ affirming in his message sent in answer to the peti-
 “ tion of both Houses, presented to his Majesty at
 “ York, March 26, that he always thought it neces-
 “ sary the same should be settled, and that he never
 “ denied the thing, only denied the way; and for the
 matter

“ matter of it, took exception only to the preface, as
“ a thing not standing with his honour to consent to ;
“ and that himself was excluded in the execution,
“ and for a time unlimited : whereupon the Lords
“ and Commons, being desirous to give his Majesty
“ all satisfaction that might be, even to the least tit-
“ tle of form and circumstances, when his Majesty
“ had pleased to offer them a bill ready drawn, had,
“ for no other cause, than to manifest their hearty
“ affection to comply with his Majesty’s desires, and
“ obtain his consent, entertained the same, in the
“ mean time no way declining their ordinance ; and,
“ to express their earnest zeal to correspond with his
“ Majesty’s desires, (in all things that might consist
“ with the peace and safety of the kingdom, and the
“ trust reposed in them), did pass that bill, and therein
“ omitted the preamble inserted before the ordinance ;
“ limited the time to less than two years ; and confined
“ the authority of the lieutenants to these three parti-
“ culars ; namely, rebellion, insurrection, and foreign
“ invasion ; and returned the same to his Majesty for
“ his royal assent : but all these expressions of affec-
“ tion and loyalty, all those desires, and earnest endea-
“ vours to comply with his Majesty, had, to their
“ great grief and sorrow, produced no better effects
“ than an absolute denial, even of that which his Ma-
“ jesty, by his former messages, as they conceived,
“ had promised : the advice of evil and wicked coun-
“ cils receiving still more credit with him, than that
“ of his great council of Parliament, in a matter of so
“ high importance, that the safety of his kingdom,
“ and peace of his people, depended upon it.

“ But now, what must be the exceptions to that
“ bill ? Not any sure that were to the ordinance ; for
“ a care

" a care had been taken to give satisfaction in all
" those particulars. Then the exception was, because
" that the disposing and execution thereof was referred
" to both Houses of Parliament, and his Majesty ex-
" cluded ; and now that, by the bill, the power and
" execution was ascertained, and reduced to particu-
" lars, and the law of the realm made the rule thereof,
" his Majesty would not trust the persons. The power
" was too great, too unlimited, to trust them with.
" But what was that power ? Was it any other, but,
" in express terms, to suppress rebellion, insurrection,
" and foreign invasion ? And who were those per-
" sons ? Were not they such as were nominated by
" the great council of the kingdom, and assented to
" by his Majesty ? And was it too great a power, to
" trust those persons with the suppression of rebellion,
" insurrection, and foreign invasion ? Surely, they
" said, the most wicked of them who advised his Ma-
" jesty to that answer, could not suggest, but that it
" was necessary for the safety of his Majesty's royal
" person, and the peace of the kingdom, such a power
" should be put in some hands ; and there was no
" pretence for exception to the persons. They said, his
" Majesty had, for the space of above fifteen years to-
" gether, not thought a power, far exceeding that, to
" be too great to entrust particular persons with, to
" whose will the lives and liberties of his people, by
" martial laws, were made subject ; for such was the
" power given Lord Lieutenants, and Deputy Lieute-
" nants, in every county of this kingdom, and that
" without the consent of the people, or authority of
" law. But now in case of extrem' necessity, upon
" the advice of both Houses of Parliament, for no
" longer space than two years, a lesser power, and that
" for

" for the safety of King and people, was thought
" too great to trust particular persons with, though
" named by both Houses of Parliament, and ap-
" proved by his Majesty himself: and surely, if
" there were a necessity to settle the militia, (which
" his Majesty was pleased to confess), the persons
" could not be entrusted with less power than that,
" to have it at all effectual. And the precedents of
" former ages, when there happened a necessity to
" raise such a power, never straitened that power to
" a narrower compass; witness the commissions of
" array in several kings' reigns, and often issued out
" by the consent and authority of Parliament.

" The Lords and Commons therefore, entrusted
" with the safety of the kingdom, and peace of the
" people, (which, they called God to witness, was
" their only aim), finding themselves denied those
" their so necessary and just demands, and that they
" could never be discharged before God or man, if
" they should suffer the safety of the kingdom, and
" peace of the people, to be exposed to the malice of
" the malignant party at home, or the fury of enemies
" abroad: and knowing no other way to encounter
" the imminent and approaching danger, but by put-
" ting the people into a fit posture of defence, did
" resolve to put their said ordinance in present exe-
" cution; and did require all persons in authority,
" by virtue of the said ordinance, forthwith to put
" the same in execution, and all others to obey it,
" according to the fundamental laws of the kingdom
" in such cases, as they tendered the upholding of the
" true Protestant religion, the safety of his Majesty's
" person, and his royal posterity, the peace of the
" kingdom, and the being of this commonwealth."

This

This declaration (being in answer to a message from his Majesty) was printed, and, with the usual care and dexterity, dispersed throughout the kingdom, without so much as sending it to the King; and, thereupon, warrants and directions issued into all parts, for the exercising the militia.

This being the first declaration they had in plain terms published against the King, without ever communicating it, or presenting it to him, as they had done all the rest, his Majesty was the more troubled how to take notice of it; but conceiving it necessary to apply some antidote to this poison, the violent operation whereof he had reason to apprehend, he published a declaration by way of answer to that declaration, in which he said,

“ That he very well understood, how much it was The King's declaration in answer to the foregoing declaration. below the high and royal dignity (wherein God had placed him) to take notice of, much more to trouble himself with answering, those many scandalous, seditious pamphlets, and printed papers, which were scattered, with such great licence, throughout the kingdom, (notwithstanding his Majesty's earnest desire, so often in vain pressed, for a reformation), though he found it evident, that the minds of many of his weak subjects had been, and still were, poisoned by those means; and that so general a terror had possessed the minds and hearts of all men, that whilst the presses swarmed with, and every day produced, new tracts against the established government of the Church and State, most men wanted the courage, or the conscience, to write, or the opportunity and encouragement to publish, such composed, sober animadversions, as might either preserve the minds of his good subjects from such infection,

“ fection, or restore and recover them, when they
“ were so infected : but, his Majesty said, he was
“ contented to let himself fall to any office, that might
“ undeceive his people, and to take more pains that way
“ by his own pen, than ever king had done, when he
“ found any thing that seemed to carry the reputa-
“ tion and authority of either or both Houses of Par-
“ liament, and would not have the same refuted, and
“ disputed by vulgar and common pens, till he should
“ be throughly informed whether those acts had in
“ truth that countenance and warrant they pretend :
“ which regard of his, his Majesty doubted not but,
“ in time, would recover that due reverence (the
“ absence whereof he had too much reason to com-
“ plain of) to his person and his messages, which in
“ all ages had been paid, and, no doubt, was due to
“ the crown of England.

“ He said, he had therefore taken notice of a printed
“ paper, entitled, a Declaration of both Houses, in
“ answer to his last message concerning the militia,
“ published by command ; the which he was unwil-
“ ling to believe (both for the matter of it, the ex-
“ pressions in it, and the manner of publishing it)
“ could result from the consent of both Houses ;
“ neither did his Majesty know by what lawful com-
“ mand, such uncomely, irreverent mention of him
“ could be published to the world : and, though de-
“ clarations of that kind had of late, with too much
“ boldness, broken in upon his Majesty, and the
“ whole kingdom, when one or both Houses had
“ thought fit to communicate their counsels and re-
“ solutions to the people ; yet, he said, he was un-
“ willing to believe, that such a declaration as that
“ could be published in answer to his message, with-
“ out

“ out vouchsafing at least to send it to his Majesty as
“ their answer: their busines, for which they were
“ met by his writ and authority, being to counsel
“ him for the good of his people, not to write against
“ him to his people; nor had any consent of his Ma-
“ jesty for their long continuing together enabled
“ them to do any thing, but what they were first sum-
“ moned by his writ to do. At least he would be-
“ lieve, though misunderstanding and jealousy (the
“ justice of God, he said, would overtake the foment-
“ ers of that jealousy; and the promoters and con-
“ trivers of that misunderstanding) might produce, to
“ say no worse, those very untoward expressions, that
“ if those Houses had contrived that declaration as an
“ answer to his message, they would have vouchsafed
“ some answer to the questions proposed in his, which,
“ he professed, did, and must evidently prevail over
“ his understanding; and, in their wisdom and gra-
“ vity, they would have been sure to have stated the
“ matters of fact, as (at least to ordinary understand-
“ ings) might be unquestionable; neither of which
“ was done by that declaration.

“ His Majesty desired to know, why he was by that
“ act absolutely excluded from any power or autho-
“ rity in the execution of the militia: and, he said,
“ he must appeal to all the world, whether such an at-
“ tempt were not a greater and juster ground for fear
“ and jealousy in him, than any one that was avowed
“ for those destructive fears and jealousies which were
“ so publicly owned, almost, to the ruin of the king-
“ dom. But his Majesty had been told, that he must
“ not be jealous of his great council of both Houses
“ of Parliament. He said, he was not, no more than
“ they were of his Majesty, their King; and hitherto
“ they

“ they had not avowed any jealousy of, or disaffection
“ to, his person; but imputed all to his evil counsellors,
“ to a malignant party, that was not of their minds;
“ so his Majesty did (and, he said, he did it from his
“ soul) profess no jealousy of his Parliament, but of
“ some turbulent, seditious, and ambitious natures;
“ which, being not so clearly discerned, might have
“ an influence even upon the actions of both Houses:
“ and if that declaration had passed by that consent,
“ (which he was not willing to believe), he said, it
“ was not impossible, but that the apprehension of
“ such tumults, which had driven his Majesty from
“ his city of London, for the safety of his person,
“ might make such an impression upon other men, not
“ able to remove from the danger, to make them con-
“ sent, or not to own a dissent, in matters not agree-
“ able to their conscience, or understanding.

“ He said, he had mentioned, in that his answer,
“ his dislike of putting their names out of the bill,
“ whom before they recommended to his Majesty,
“ in their pretended ordinance, and the leaving out,
“ by special provision, the present Lord Mayor of
“ London: to all which the declaration afforded no
“ answer; and therefore he could not suppose it was
“ intended for an answer to that his message, which
“ whosoever looked upon, would find to be in no de-
“ gree answered by that declaration; but it informed
“ all his Majesty’s subjects, after the mention with
“ what humility the ordinance was prepared, and pre-
“ sented to his Majesty, (a matter very evident in the
“ petitions, and messages concerning it), and his refu-
“ sal to give his consent, notwithstanding the several
“ reasons offered, of the necessity thereof for the se-
“ curing of his person, and the peace and safety of his
“ people,

“ people, (whether any such reasons were given, the
“ weight of them, and whether they were not clearly
“ and candidly answered by his Majesty, the world
“ would easily judge), that they were at last necessi-
“ tated to make an ordinance by authority of both
“ Houses, to settle the militia, warranted thereunto by
“ the fundamental laws of the land. But, his Ma-
“ jesty said, if that declaration had indeed intended to
“ have answered him, it would have told his good
“ subjects what those fundamental laws of the land
“ were, and where to be found ; and would, at least,
“ have mentioned one ordinance, from the first be-
“ ginning of Parliaments to this present Parliament,
“ which endeavoured to impose any thing upon the
“ subject without the King’s consent ; for of such,
“ he said, all the enquiry he could make could never
“ produce him one instance. And if there were such
“ a secret of the law, which had lain hid from the
“ beginning of the world to that time, and now was
“ discovered to take away the just, legal power of the
“ King, he wished there were not some other secret
“ (to be discovered when they pleased) for the ruin
“ and destruction of the liberty of the subject. For,
“ he said, there was no doubt if the votes of both
“ Houses had any such authority to make a new
“ law, it had the same authority to repeal the old ;
“ and then, what would become of the long established
“ rights and liberties of the King and subject, and
“ particularly of Magna Charta, would be easily dis-
“ cerned by the most ordinary understanding.

“ He said, it was true, that he had (out of tender-
“ ness of the constitution of the kingdom, and care
“ of the law, which he was bound to defend, and be-
“ ing most assured of the unjustifiableness of the
“ pretended ordinance) invited, and desired both

“ Houses of Parliament to settle whatsoever should
“ be fit of that nature by act of Parliament. But
“ was he therefore obliged to pass whatsoever should
“ be brought to him of that kind? He did say in his
“ answer to the petition of both Houses, presented to
“ him at York the 26th of March last, (and he had
“ said the same in other messages before), that he al-
“ ways thought it necessary that the business of the
“ militia should be settled, and that he never denied
“ the thing, only denied the way; and he said the
“ same still; and that since the many disputes and
“ votes, upon Lords Lieutenants and their commis-
“ sions, (which had not been begun by his Majesty,
“ nor his father), had so discountenanced that autho-
“ rity, which for many years together was happily
“ looked upon with reverence and obedience by the
“ people, his Majesty did think it very necessary,
“ that some wholesome law should be provided for
“ that business; but he had declared in his answer to
“ the pretended ordinance, that he expected, that
“ that necessary power should be first invested in
“ his Majesty, before he consented to transfer it to
“ other men; neither could it ever be imagined
“ that he would consent that a greater power should
“ be in the hands of a subject, than he was thought
“ worthy to be trusted with himself. And if it
“ should not be thought fit to make a new act or de-
“ clarations in the point of the militia, he doubted
“ not but he should be able to grant such com-
“ missions as should very legally enable those he
“ trusted, to do all offices for the peace and quiet
“ of the kingdom, if any disturbance should hap-
“ pen.

“ But it was said, he had been pleased to offer them
“ a bill ready drawn, and that they, to express their
“ earnest

“ earnest zeal to correspond with his desire, did pass
“ that bill ; and yet all that expression of affection
“ and loyalty, all that earnest desire of theirs to com-
“ ply with his Majesty, produced no better effect
“ than an absolute denial, even of what by his former
“ messages his Majesty had promised ; and so that
“ declaration, he said, proceeded, under the pretence
“ of mentioning evil and wicked councils, to censure
“ and reproach his Majesty in a dialect, that, he was
“ confident, his good subjects would read, on his be-
“ half, with much indignation. But, his Majesty said,
“ sure if that declaration had passed the examination
“ of both Houses of Parliament, they would never
“ have affirmed, that the bill he had refused to pass
“ was the same he had sent to them, or have thought
“ that his message, wherein the difference and con-
“ trariety between the two bills was so particularly
“ set down, would be answered with the bare averring
“ them to be one and the same bill : nor would they
“ have declared, when his exceptions to the ordi-
“ nance, and the bill, were so notoriously known to
“ all, that care being taken to give satisfaction in all
“ the particulars he had excepted against in the ordi-
“ nance, he had found new exceptions to the bill ;
“ and yet that very declaration confessed, that his ex-
“ ception to the ordinance was, that, in the disposing
“ and execution thereof, his Majesty was excluded :
“ and was not that an express reason, in his answer,
“ for his refusal of the bill ; which that declaration
“ would needs confute ?

“ But the power was no other than to suppress re-
“ bellion, insurrection, and foreign invasion ; and the
“ persons trusted, no other than such as were nomi-
“ nated by the Great Council of the kingdom, and

“ assented to by his Majesty : and they asked, if that
“ were too great a power to trust those persons with ?
“ Indeed, his Majesty said, whilst so great liberty was
“ used in voting, and declaring men to be enemies to
“ the commonwealth, (a phrase his Majesty scarce un-
“ derstood), and in censuring men for their service,
“ and attendance upon his Majesty’s person, and in
“ his lawful commands, great heed must be taken into
“ what hands he committed such a power to suppress
“ insurrection and rebellion ; and if insurrection and
“ rebellion had found other definitions than what the
“ law had given, his Majesty must be sure, that no
“ lawful power should justify those definitions : and
“ if there were learning found out to make Sir John
“ Hotham’s taking arms against him, and keeping his
“ Majesty’s town and fort from him, to be no treason
“ or rebellion, he knew not whether a new discovery
“ might not find it rebellion in his Majesty to defend
“ himself from such arms, and to endeavour to recover
“ what was so taken from him ; and therefore, he said,
“ it concerned him, till the known laws of the land
“ were allowed to be judge between them, to take
“ heed into what hands he committed such power.

“ Besides, he asked, whether it could be thought,
“ that because he was willing to trust certain persons,
“ that he was obliged to trust them in whatsoever
“ they were willing to be trusted ? He said, no pri-
“ vate hands were fit for such a trust ; neither had he
“ departed from any thing, in the least degree, he had
“ offered or promised before ; though he might with
“ as much reason have withdrawn his trust from some
“ persons, whom before he had accepted, as they had
“ done from others, whom they had recommended.
“ For the power which he was charged to have com-
“ mitted

“ mitted to particular persons, for the space of fifteen
“ years, by his commissions of lieutenancy, it was
“ notoriously known, that it was not a power created
“ by his Majesty, but continued very many years, and
“ in the most happy times this kingdom had enjoyed,
“ even those of his renowned predecessors, Queen Eli-
“ zabeth, and his father of happy memory ; and what-
“ ever authority had been granted by those commis-
“ sions, which had been kept in the old forms, the
“ same was determinable at his Majesty’s pleasure ;
“ and he knew not, that they produced any of those
“ calamities, which might give his good subjects
“ cause to be so weary of them, as to run the hazard
“ of so much mischief, as that bill, which he had re-
“ fused, might possibly have produced.

“ For the precedents of former ages in the commis-
“ sions of array, his Majesty doubted not, but when any
“ such had issued out, that the King’s consent was al-
“ ways obtained, and the commissions determinable
“ at his pleasure ; and then what the extent of power
“ was, would be nothing applicable to that case of the
“ ordinance.

“ But whether that declaration had refuted his Ma-
“ jesty’s reasons for his refusal to pass the bill, or no,
“ it resolved, and required all persons in authority
“ thereby to put the ordinance in present execution ;
“ and all others to obey it according to the funda-
“ mental laws of the land. But, his Majesty said, he,
“ whom God had trusted to maintain and defend
“ those fundamental laws, which, he hoped, God
“ would bless to secure him, did declare, that there
“ was no legal power in either, or both Houses, upon
“ any pretence whatsoever, without his Majesty’s con-
“ sent, to command any part of the militia of the

“ kingdom ; nor had the like ever been commanded
“ by either, or both Houses, since the first founda-
“ tion of the laws of the land ; and that the execution
“ of, or the obedience to, that pretended ordinance,
“ was against the fundamental laws of the land, against
“ the liberty of the subject, and the right of Parlia-
“ ments, and a high crime in any that should execute
“ the same : and his Majesty did therefore charge and
“ command all his loving subjects, of what degree or
“ quality soever, upon their allegiance, and as they
“ tendered the peace of the kingdom, from thence-
“ forth not to muster, levy, or array, or summon, or
“ warn any of the Trained Bands to rise, muster, or
“ march, by virtue, or under colour, of that pretended
“ ordinance : and to that declaration and command of
“ his Majesty’s, he said, he expected and required a full
“ submission and obedience from all his loving sub-
“ jects, upon their allegiance, as they would answer
“ the contrary at their perils, and as they tendered the
“ upholding of the true Protestant religion, the safety
“ of his person, and his royal posterity, the peace, and
“ being of the kingdom.”

Notwithstanding these sharp declarations, (infallible symptoms of sharper actions), which were with equal diligence dispersed by either side among the people, sive that the agents for the Parliament took as much care to suppress the King’s, as to publish their own, whereas the King’s desire was that they might be both impartially read and examined, and to that purpose always caused those from the Parliament to be printed with his own, they had the power and skill to persuade men, who, but by that persuasion, could not have been seduced, and without seducing of whom they could have made but a very sorry pro-
gress

gress in mischief, “ that all would be well ; that they “ were well assured that the King would, in the end, “ yield to what they desired ; at least, that they should “ prevail for a good part, if not for all, and that there “ should be no war :” though themselves well knew, that the fire was too much kindled to be extinguished without a flame, and made preparations accordingly. For the raising and procuring of money (besides the vast sums collected and contributed for Ireland, which they disbursed very leisurely, the supplies for that kingdom, notwithstanding the importunity and complaint from thence, being not dispatched thither, both in quantity and quality, with that expedition as was pretended) they sent out very strict warrants for the gathering all those sums of money, which had been granted by any bills of subsidy, or poll-bill ; in the collection of all which there had been great negligence, probably that they might have it the more at their own disposal in their need ; by which they now recovered great sums into their hands. For the raising of men, (though it was not yet time for them to avow the raising an army), besides the disposing the whole kingdom to subject themselves to their ordinance of the militia, and, by that, listing in all places companies of volunteers, who would be ready when they were called, they made more haste than they had done in the levies of men, both horse and foot, for the relief of Ireland, under officers chosen or approved by themselves ; and proposed the raising of an army apart, of six or eight thousand, under the command of the Lord Wharton, (a man very fast to them), for Munster, under the style of the Adventurers’ Army, and to have no dependence upon, nor be subject to, the Lord Lieutenant of Ireland, but only to

receive orders from the two Houses, and from a committee to be appointed by them, which should be always with that army : but the King, easily discerning the consequence of that design, refused to grant such a commission as they desired ; so that they were forced to be content, only with the advantage of new exclamations against the King, “ for hindering the supplies “ for Ireland,” upon the occasion of his denial of that unreasonable commission, and to proceed in their levies the ordinary way ; which they did, with great expedition. To confirm and encourage the factious and schismatical party of the kingdom, which thought the pace towards the reformation was not brisk and furious enough, and was with great difficulty contained in so slow a march, they had, a little before, published a declaration :

The two
Houses' de-
claration
concerning
a refor-
mation of the
Liturgy.

“ That they intended a due and necessary reformation of the government and liturgy of the Church, “ and to take away nothing in the one or the other, “ but what should be evil, and justly offensive, or at least unnecessary, and burthensome ; and, for the better effecting thereof, speedily to have consultation with godly and learned divines : and, because that would never of itself attain the end sought therein, they would therefore use their utmost endeavours to establish learned and preaching ministers, with a good and sufficient maintenance throughout the whole kingdom ; wherein many dark corners were miserably destitute of the means of salvation, and many poor ministers wanted necessary provision.”

This declaration, printed, and appointed to be published by the sheriffs in their several counties, in all the market-towns within the kingdom of England, and

and dominion of Wales, was not more intended to the heartening of those who were impatient for a reformation, (who in truth had so implicit a faith in their leaders, that they expected another manner of reformation than was publicly promised), than to the lulling those asleep, who begun to be awake with the apprehension of that confusion, they apprehended from the practice and licence, they saw practised against the received government, and doctrine of the Church ; and to be persuaded, that it was time to oppose that current. And in this project they were not disappointed : for though this warily worded declaration was evidence enough to wise men, that they intended, and logically comprehended, an alteration as great as has been since attempted and made ; yet to lazy and quiet men, who could not discern consequences, and were not willing to antedate their miseries, by suspecting worse was to come than they felt, or saw in their view, their fears were much abated, and the intentions of the Parliament seemed not so bad as they had been told by some that they were : and as this very declaration of a due reformation to be made of the government of the Church, and the Liturgy, would, a year before, have given great umbrage and scandal to the people, when, generally, there was a due submission to the government, and a singular reverence of the Liturgy of the Church of England ; so now, when there was a general fear and apprehension inculcated into them, of a purpose utterly to subvert the government, and utterly to abolish the Liturgy, they thought the taking away nothing in the one or the other, but what should be evil, and justly offensive, or, at least, unnecessary and burthensome, was an easy composition ; and so, by degrees, they suffered

suffered themselves to be still prevailed on towards ends they extremely abhorred ; and what at first seemed profane and impious to them, in a little time appeared only inconvenient ; and what, in the beginning, they thought matter of conscience and religion, shortly after they looked upon as somewhat rather to be wished than positively infisted on ; and consequently not to be laid in the balance with the public peace, which they would imagine to be endangered by opposing the sense that then prevailed ; and so, by undervaluing many particulars, (which they truly esteemed), as rather to be consented to, than that the general should suffer, they brought, or suffered the public to be brought to all the sufferings it since underwent.

The assembly of Divines.

And now they shewed what consultation they meant to have with godly and learned divines, and what reformation they intended, by appointing the knights and burgesses to bring in the names of such divines for the several counties, as they thought fit to constitute an assembly for the framing a new model for the government of the Church, which was done accordingly ; those who were true sons of the Church, not so much as endeavouring the nomination of sober and learned men, abhorring such a reformation, as begun with the invasion and suppression of the Church's rights in a synod, as well known as Magna Charta : and if any well affected member, not enough considering the scandal, and the consequence of that violation, did name an orthodox and well reputed divine, to assist in that assembly, it was argument enough against him, that he was nominated by a person in whom they had no confidence ; and they only had reputation enough to commend to this consultation, who were known

known to desire the utter demolishing of the whole fabric of the Church : so that of about one hundred and twenty, of which that assembly was to consist, (though, by the recommendation of two or three members of the Commons, whom they were not willing to displease, and by the authority of the Lords, who added a small number to those named by the House of Commons, a few very reverend and worthy men were inserted ; yet of the whole number) they were not above twenty, who were not declared and avowed enemies to the doctrine or discipline of the Church of England ; some of them infamous in their lives and conversations ; and most of them of very mean parts in learning, if not of scandalous ignorance ; and of no other reputation, than of malice to the Church of England ; so that that convention hath not since produced any thing, that might not then reasonably have been expected from it.

But that which gave greatest power and strength to their growing faction, was the severity they used against all those, of what quality or degree soever, who opposed their counsels and proceedings. If any Lord, who had any place of honour or trust from the King, concurred not with them, they made an inquisition into the whole passages of his life ; and if they could find no fault, or no folly (for any levity, or indiscretion, served for a charge) to reproach him with, it was enough, " that they could not confide in him :" so they threatened the Earl of Portland, who with extraordinary vivacity crossed their consultations, " that they would remove him from his charge and " government of the Isle of Wight," (which, at last, they did *de facto*, by committing him to prison, without so much as assigning a cause), and to that purpose

pose objected all the acts of good fellowship ; all the waste of powder, and all the waste of wine, in the drinking of healths ; and other acts of jollity, whenever he had been at his government, from the first hour of his entering upon it : so that the least inconvenience a man in their disfavour was to expect, was to have his name and reputation used, for two or three hours, in the House of Commons, with what licence and virulence they pleased. None were persecuted with more rigour than the Clergy ; whereof whosoever publicly, or privately, censured their actions, or suspected their intentions, was either committed to prison, or compelled to a chargeable and long attendance, as inconvenient as imprisonment. And this measure of proceeding was equally, if not with more animosity, applied to those, who, in former times, had been looked upon by that party with most reverence. On the contrary, whoever concurred; voted, and fided with them, in their extravagant conculusions, let the infamy of his former life, or present practice, be what it would, his injustice and oppression never so scandalous and notorious, he was received, countenanced, and protected, with marvellous demonstrations of affection : so that, between those that loved them, and those that feared them, those that did not love the Church, and those that did not love some churchmen ; those whom the Court had oppressed, and those who had helped the Court to oppres others ; those who feared their power, and those who feared their justice ; their party was grown over the kingdom, but especially in the city, justly formidable.

In the mean time, the King omitted no opportunity to provide against the storm he saw was coming ; and, though he might not yet own the apprehension of that

that danger he really found himself in, he neglected not the provision of what he thought most necessary for his defence ; he caused all his declarations, messages, and answers, to be industriously communicated throughout his dominions ; of which he found good effects ; and, by their reception, discovered that the people universally were not so irrecoverably poisoned, as he before had cause to fear : he caused private intimations to be given, and insinuations to be made to the gentry, “ that their presence would be acceptable “ to him ;” and to those, who came to him, he used much gracious freedom, and expressed all possible demonstrations, that he was glad of their attendance : so that, in a short time, the resort to York was very great ; and, at least, a good face of a court there.

Beyond the seas, the Queen was as intent to do her part ; and to provide that so good company, as she heard was daily gathered together about the King, should not be dissolved for want of weapons to defend one another : and therefore, with as much secrecy as could be used in those cases, and in those places where she had so many spies upon her, she caused, by the sale or pawning of her own, and some of the crown jewels, a good quantity of powder and arms to be in a readiness in Holland, against the time that it should be found necessary to transport it to his Majesty : so that both fides, whilst they entertained each other with discourses of peace, (which always carried a sharpnes with them, that whetted their appetite to war), provided for that war, which they saw would not be prevented.

Hitherto the greatest acts of hostility, saving that at Hull, were performed by votes and orders ; for there was yet no visible, formal execution of the ordinance for

for the militia, in any one county of England : for the appearance of volunteers in some factious corporations was rather countenanced than positively directed and enjoined by the Houses ; and most places pretended an authority, granted by the King in the charters, by which those corporations were erected, or constituted : but now they thought it time to satisfy the King, and the people, that they were in earnest, (who were hardly persuaded, that they had in truth the courage to execute their own ordinance), and resolved, “ that, on the tenth of May, they would have “ all the Trained Bands of London mustered in the “ fields, where that exercise usually was performed ; ” and accordingly, on that day, their own new officer, Serjeant-Major-General Skippon, appeared in Finsbury Fields, with all the Trained Bands of London, consisting of above eight thousand soldiers, disposed into six regiments, and under such captains and colonels, as they had cause to confide in. At this first triumphant muster, the members of both Houses appeared in greats, there being a tent purposely set up for them, and an entertainment at the charge of the city to the value of near a thousand pounds ; all men presuming that this example of London, with such ceremony and solemnity, would be easily followed throughout the kingdom ; and many believing they had made no small progress towards the end they aimed at, by having engaged the very body of the city in a guilt equal to their own : for though they had before sufficient evidence of the inclinations of the mean and common people to them, and reasonable assurance, that those in authority would hardly be able to contain them ; yet, till this day, they had no instance of the concurrence of the city in an act expressly unlawful. But now they presumed all

all difficulties were over ; and so sent their directions to the counties adjacent, speedily to execute the same ordinance : and appointed all the magazines of the several counties of England and Wales, to such custody, as their Lord Lieutenants, or their Deputy Lieutenants, should appoint ; and that not only the counties should increase those magazines to what proportion soever they thought convenient, but that any private persons, that were well affected, should supply themselves with what arms and ammunition they pleased. By which means, besides the King's magazines, all which were in their possession, they caused great quantities of all sorts of arms to be provided, and disposed to such places, and persons, as they thought fitteſt to be trusted ; especially in those factious corporations, which had listed most volunteers for their service.

The King now saw the storm coming apace upon him ; that (notwithstanding his proclamation published against the ordinance of the militia, in which he set down the laws and statutes, which were infringed thereby, and by which the execution of that ordinance would be no less than high treason) the votes and declaration of both Houses, " that those proclamations were illegal, and that those acts of Parliament could not control the acts and orders of both Houses, (which the subjects were, by the fundamental laws of the kingdom, to obey)," prevailed so far, that obedience was given to them ; that he was so far from being like to have Hull restored to him, that the garrison there daily increased, and forced the country to submit to such commands as they pleased to lay on them ; and that Sir John Hotham was more likely

likely to be able to take York, than his Majesty to recover Hull ; he thought it, therefore, high time, by their example, to put himself into a posture of defence ; the danger being much more imminent to his Majesty, than to those who had begot that ordinance. Hereupon, at a public meeting of the country, his Majesty declared, “ that he was resolved in regard of “ the public distempers, and the neighbourhood of “ Hull, to have a guard for his person ; but of such “ persons, and with such circumstances, as should ad-“ minister no occasion of jealousy to the most sus-“ picious ; and wished the gentlemen of quality, who “ attended, to consider, and advise of the way :” who shortly after (notwithstanding the opposition given by the committee, which still resided there ; and the factious party of the county, which was inflamed, and governed by them) expressed a great alacrity to comply with his Majesty’s desire, in whatsoever should be proposed to them ; and a sense, “ that they thought “ a sufficient guard was very necessary for the security “ of his Majesty’s person.” Hereupon, the King appointed such gentlemen as were willing to list themselves into a troop of horse, and made the Prince of Wales their Captain ; and made choice of one regiment of the Trained Bands, consisting of about six hundred, whom he caused, every Saturday, to be paid at his own charge ; when he had little more in his coffers than would defray the weekly expence of his table : and this troop, with this regiment, was the guard of his person ; it being first declared by his Majesty, “ that no person should be suffered, either in “ the troop, or the regiment, who did not, before his “ admission into the service, take the oaths of alle-“ giance

"giance and supremacy ;" that so he might be free from the scandal of entertaining Papists for his security.

But this caution would not serve ; the fears and jealousies were capable of no other remedies, than such as were prescribed by those physicians, who were practised in the disease. As soon as the intelligence was arrived at London, that the King actually had a guard, (though the circumstances were as well known that were used in the raising it), both Houses published these three votes, and dispersed them :

1. " That it appeared, that the King, seduced by " wicked counsel, intended to make war against the " Parliament ; who, in all their consultations and ac- " tions, had proposed no other end unto themselves, " but the care of his kingdoms, and the performance " of all duty and loyalty to his person.

2. " That whosoever the King maketh war upon " the Parliament, it is a breach of the trust reposed in " him by his people ; contrary to his oath ; and tend- " ing to the dissolution of the government.

3. " That whosoever should serve him, or assist " him in such wars, are traitors by the fundamental " laws of the kingdom ; and have been so adjudged " by two acts of Parliament, 2 Rich. II. and 1 Hen. " IV. and ought to suffer as traitors."

These lusty votes they sent to the King to York, together with a short petition, in which they told him,

" That his loyal subjects, the Lords and Commons
 " in Parliament, did humbly represent unto his Ma-
 " jesty, that notwithstanding his frequent professions
 " to his Parliament, and the kingdom, that his desire
 " and intention was only the preserving the true Prote-
 " fect, The two
 " Houses pe-
 " tition the
 " King to dis-
 " solve his
 " guards,
 " May 23, 1641.

“ tant profession, the laws of the land, the liberty of
“ his people, and the peace of the kingdom ; never-
“ theless, they perceived with great grief, by his
“ speech of the twelfth of May, and the paper printed
“ in his Majesty’s name, in the form of a proclama-
“ tion, bearing date the fourteenth of May, and other
“ evidences, that, under colour of raising a guard to
“ secure his person, of which guard (considering the
“ fidelity and care of his Parliament) there could be
“ no use, his Majesty did command troops, both of
“ horse and foot, to assemble at York ; the very begin-
“ nings whereof were apprehended by the inhabitants
“ of that county to be an affrightment and disturb-
“ ance of his liege people, as appeared by their peti-
“ tion presented to him ; the continuing and increas-
“ ing of which forces was to his Parliament, and
“ must needs be, a just cause of great jealousy, and
“ danger to his whole kingdom.

“ Therefore they did humbly beseech his Majesty
“ to disband all such forces, as, by his command,
“ were assembled, and relying for his security (as his
“ predecessors had done) upon the laws, and affec-
“ tions of his people, he would be pleased to desist
“ from any further designs of that nature, contenting
“ himself with his usual and ordinary guards ; other-
“ wise, they should hold themselves bound in duty
“ towards God, and the trust reposed in them by the
“ people, and the fundamental laws and constitutions
“ of the kingdom, to employ their care, and utmost
“ power to secure the Parliament, and to preserve the
“ peace and quiet of the kingdom.”

To this petition, delivered publicly, and read with
an equal confidence, by their lieger committee, his
Majesty answered,

“ That

" That he could not but extremely wonder, that His Majes-
 " ty's answer.
 " the causeless jealousies concerning his Majesty,
 " raised and fomented by a malignant party in the
 " kingdom, which desired nothing more than to
 " snatch to themselves particular advantages out of a
 " general combustion, (which means of advantage
 " should never be ministered to them by his fault, or
 " seeking), should not be only able to seduce a weak
 " party in the kingdom, but seem to find so much
 " countenance even from both Houses, as that his
 " raisng of a guard, without further design than for
 " the safety of his person, an action so legal, in a
 " manner so peaceable, upon causes so evident and
 " necessary, should not only be looked upon, and pe-
 " titioned against by them, as a cause of jealousy ;
 " but declared to be raisng of a war against them,
 " contrary to his former profeßions of his care of re-
 " ligion and law : and he no less wondered, that that
 " action of his should be said to be apprehended by
 " the inhabitants of that county, as an affrightment
 " and disturbance to his people, having been as well
 " received there, as it was every where to be justified ;
 " and (he spake of the general, not of a few seduced
 " particulars) assisted and sped by that county with that
 " loyal affection and alacrity, as was a most excellent
 " example, set to the rest of the kingdom, of their
 " care of his safety upon all occasions ; and should
 " never be forgotten by him, nor, he hoped, by his
 " posterity ; but should be ever paid to them, in that,
 " which is the proper expression of a Prince's grati-
 " tude, a perpetual, vigilant care to govern them just-
 " ly, and to preserve the only rule, by which they can
 " be so governed, the law of the land : and, he said,
 " he was confident, that if they were themselves eye-
 " witnesſes,

“ witnesses, they would so see the contrary, as to give
“ little present thanks, and, hereafter, little credit to
“ their informers ; and, if they had no better informa-
“ tion and intelligence of the inclinations and affec-
“ tions of the rest of the kingdom, certainly the minds
“ of his people (which to some ends and purposes they
“ did represent) were but ill represented unto them.

“ He asked them, when they had so many months
“ together not contented themselves to rely for secu-
“ rity, as their predecessors had done, upon the affec-
“ tion of the people, but by their own single autho-
“ rity had raised to themselves a guard, (and that
“ sometimes of no ordinary numbers, and in no or-
“ dinary way), and yet all those pikes and protec-
“ tions, that army, on one side, and that navy;
“ on the other, had not persuaded his Majesty to
“ command them to disband their forces, and to
“ content themselves with their ordinary, that was;
“ no guard ; or work in him an opinion, that they ap-
“ peared to levy war against him, or had any further
“ design ; how it was possible, that the same persons
“ should be so apt to suspect, and condemn his Ma-
“ jesty, who had been so unapt, in the same matter,
“ upon much more ground, to tax or suspect them ?
“ This, he said, was his case, notwithstanding the care
“ and fidelity of his Parliament : his fort was kept by
“ armed men against him ; his proper goods first de-
“ tained from him, and then, contrary to his com-
“ mand, by strong hand offered to be carried away ;
“ in which, at once, all his property as a private
“ person, all his authority as a King, was wrested from
“ him : and yet for him to secure himself in a legal
“ way, that Sir John Hotham might not by the same
“ forces, or by more, raised by pretence of the same au-
“ thority,

" thority, (for he daily raised some, and it was no new
" thing for him to pretend orders, which he could not
" shew), continue the war that he had levied against
" his Majesty ; and as well imprison his person, as de-
" tain his goods ; and as well shut him up in York,
" as shut him out of Hull ; was now said to be
" esteemed a cause of great jealousy to the Parlia-
" ment, a raising a war against them, and of danger
" to the whole kingdom : whilst these injustices, and
" indignities offered to him, were countenanced by
" them, who ought to be most forward in his vindica-
" tion, and their punishment, in observation of their
" oaths, and trust reposed in them by the people, and
" to avoid the dissolution of the present government.
" Upon which case, he said, the whole world was to
" judge, whether his Majesty had not reason, not
" wholly to rely upon the care and fidelity of his Par-
" liament, being so strangely blinded by malignant
" spirits, as not to perceive his injuries ; but to take
" some care of his own person, and, in order to that,
" to make use of that authority, which the laws de-
" clared to be in his Majesty : and, whether that peti-
" tion, with such a threatening conclusion, accompa-
" nied with more threatening votes, gave him not
" cause, rather to increase, than to diminish his guards ;
" especially, since he had seen, before the petition, a
" printed paper, dated the seventeenth of May, un-
" derwritten by the Clerk of the House of Commons,
" commanding, in the name of both Lords and Com-
" mons, the Sheriffs of all counties to raise the power
" of all those counties, to suppress such of his sub-
" jects, as, by any of his Majesty's commands, should
" be drawn together, and put (as that paper called it)
" in a posture of war ; charging all his Majesty's offi-
" cers

" cers and subjects to afflēt them in it, at their perils.
" For though, he said, he could not suspect, that that
" paper, or any bare votes, not grounded upon law or
" reason, or quotations of repealed statutes, as those
" were of the 2 Rich. II. and 1 Hen. IV. should
" have any ill influence upon his good people, who
" knew their duties too well not to know, that to take
" up arms against those, who, upon a legal command
" of his Majesty, came together to a most legal end,
" (that was, his Majesty's security and preservation),
" were to levy war against his Majesty ; yet, if that
" paper were really the act of both Houses, he could
" not but look upon it, as the highest of scorns and
" indignities ; first, to issue out commands of force
" against him ; and, after those had appeared useleſs,
" to offer, by petition, to persuade him to that, which
" that force should have effected.

" He said, he concluded his answer to their peti-
" tion with his counsel to them, that they would join
" with him in exacting satisfaction for that unpa-
" ralleled, and yet unpunished, action of Sir John Ho-
" tham ; and that they would command his fort and
" goods to be returned to his own hands : that they
" would lay down all pretences (under pretence of ne-
" cessity, or declaring what is law) to make laws with-
" out his Majesty, and, by consequence, but a cipher
" of his Majesty : that they would declare effectually
" against tumults, and call in such pamphlets, (punish-
" ing the authors and publishers of them), as sedi-
" tiously endeavour to disable his Majesty from pro-
" tecting his people, by weakening, by false asper-
" sions, and new false doctrines, his authority with
" them, and their confidence in him : the particulars
" of which tumults and pamphlets, he said, he would
long

" long since have taken care his learned Council
" should have been enabled to give in evidence, if,
" upon his former offer, his Majesty had received any
" return of encouragement from them in it: and, he
" said, if they did that, they would then, and hardly
" till then, persuade the world, that they had dis-
" charged their duty to God, the trust reposed in
" them by the people, and the fundamental laws and
" constitutions of the kingdom; and employed their
" care, and utmost power, to secure the Parliament,
" (for, he said, he was still a part of the Parliament,
" and should be, till this well-tempered monarchy
" was turned to a democracy), and to preserve the
" peace and quiet of the kingdom; which, together
" with the defence of the Protestant religion, the laws
" of the land, and his own just prerogative, (as a part
" of, and a defence to, those laws), had been the main
" end, which, in his consultations and actions, he had
" proposed to himself."

It will be wondered at hereafter, that in a judging and discerning state, where men had, or seemed to have, their faculties of reason and understanding at the height; in a kingdom then unapt, and generally uninclined to war, (how wantonly soever it hath since seemed to throw away its peace), those men, who had the skill and cunning, out of foward and peevish humours and indispositions, to compound fears and jealousies, and to animate and inflame those fears and jealousies into the most prodigious and the boldest rebellion, that any age or country ever brought forth; who very well saw and felt, that the King had not only, to a degree, wound himself out of that labyrinth, in which, four months before, they had involved him, with their privileges, fears, and jealousy;

sies ; but had even so well informed the people, that they began to question both their logic and their law, and to suspect and censure the improvement and gradation of their fears, and the extent and latitude of their privileges ; and that they were not only denied by the King, what they required, but that the King's reasons of his denial made very many conclude the unreasonableness of their demands : I say, it may seem strange, that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, " that the King did intend to make " war against the Parliament ;" when they were so far from apprehending, that he would be able to get an army to disturb them, that they were most assured, he would not be able to get bread to sustain himself three months, without submitting all his counsels to their conduct and control ; and that the offering to impose it did not awaken the people to an indignation, which might have confounded them : for, besides their presumption in endeavouring to search what the Scripture itself told them was unsearchable, the heart of the King ; the very law of the land, whose defence they pretended, makes no conclusion of the intention of the meanest subject, in a matter of the highest and tenderest consideration, even treason itself against the life of the King, without some overt, unlawful act, from whence, and other circumstances, the ill intention may be reasonably made appear ; and therefore, to declare that the King intended to make war against his Parliament, when he had neither ship, harbour, ~~arms~~, nor money, and knew not how to get any of ~~them~~, and when he offered to grant any thing to them, which they could pretend a justifiable reason for asking, was an undertaking of that nature, that even the almightyneſſ

almightiness of a Parliament might have despaired to succeed in.

But, notwithstanding all this, they very well knew what they did, and understood what infinite advantage that vote would (as it did) bring to them; and that a natural way would never bring them to their unnatural end. The power and reputation of Parliament, they believed, would implicitly prevail over many; and amaze and terrify others from disputing or censuring what they did, and upon what grounds they did it. The difficulty was, to procure the judgment of Parliament; and to incline those different constitutions, and different affections, to such a concurrence, as the judgment might not be discredited, by the number of the dissenters; nor wounded, or prejudged, by the reasons and arguments given against it: and then, their judgments of the cure being to be grounded upon the nature and information of the disease, it was necessary to confine and contract their fancies and opinions within some bounds and limits: the mystery of rebellion challenging the same encouragement with other sciences, to grow by; that there may be certain postulata, some principles and foundations, upon which the main building may subsist. So, in the case of the militia, an imminent danger must be first supposed, by which the kingdom is in apparent hazard, and then the King's refusal to apply any remedy against that danger, before the two Houses would pretend to the power of disposing that militia; it being too ridiculous to have pretended the natural and ordinary jurisdiction over it: but, in case of danger, and danger so imminent, that the usual recourse would not serve the turn, and for the saving of a kingdom, which must otherwise be lost, many good men thought it was reasonable

reasonable to apply a very extraordinary prevention, without imagining such a supposition might possibly engage them in any action, contrary to their own inclinations ; and, without doubt, very many, who frankly voted that imminent necessity, were induced to it, as an argument, that the King should be therefore importuned to consent to the settlement ; which would not have appeared so necessary a request, if the occasion had not been important ; never suspecting, that it would have been improved into an argument to them, to adventure the doing it without the King's consent. And it is not here unseasonable, (how merry soever it may seem to be), as an instance of the incogitancy, and inadvertency of those kind of votes and transactions, to remember, that the first resolution of the power of the militia being grounded upon a supposition of an imminent necessity, the ordinance first sent up from the Commons to the Lords, for the execution of the militia, expressed an *eminent* necessity ; whereupon, some Lords, who understood the difference of the words, and that an eminent necessity might be supplied by the ordinary provision, which, possibly, an *imminent* necessity might not safely attend, desired a conference with the Commons for the amendment ; which, I remember, was at last, with great difficulty, consented to : many (who, I presume, are not yet grown up to conceive the difference) supposing it an unnecessary contention for a word, and so yielding to them, for saving of time, rather than dispute a thing which to them seemed of no great moment.

They, who contrived this scene, never doubted but, after a resolution what was to be done upon a supposed necessity, they should easily, when they found it

it convenient, make that necessity real. It was no hard matter to make the fearful, apprehensive of dangers ; and the jealous, of designs ; and they wanted not evidence of all kinds ; of letters from abroad, and discoveries at home, to make those apprehensions formidable enough ; and then, though, before the resolution, there was a great latitude in law and reason, what was lawfully to be done, they had now forejudged themselves, and resolved of the proper remedy, except they would argue against the evidence ; which usually would have been to discountenance or undervalue some person of notable reputation, or his correspondence ; and always to have opposed that that was of such an alloy, as, in truth, did operate upon the major part. So, in the case upon which we now discourse, if they had, in the most advantageous article of their fury, professed the raising an army against the King, there was yet that reverence to Majesty, and that spirit of subjection and allegiance in most men, that they would have looked upon it with opposition and horror : but defensive arms were more plausible divinity, and if the King should commit such an outrage, as to levy war against his Parliament, to destroy the religion, laws, and liberty of the kingdom, good men were persuaded, that such a resistance might be made, as might preserve the whole ; and he that would have argued against this thesis, besides the impertinency of arguing against a supposition, that was not like to be real, and in which the corrupt consideration of safety seemed to bribe most men, could never escape the censure of promoting tyranny, and lawless dominion. Then to incline men to concur in the declaration “ of “ the King’s intention to make war against the Parliament,” they were persuaded it might have a good, and

and could have no ill effect : the remedies, that were to be applied upon an actual levying of war, were not justifiable upon the intention ; and the declaring this intention, and the dangers it carried with it to the King himself, and to all those who should assist him, would be a probable means of reforming such intention, and preventing the execution : inconvenience it could produce none, (for the disquieting or displeasing the King was not thought inconvenient), if there were no progress in the supposed intention ; if there were, it were fit the whole kingdom should stand upon its guard, and not be surprised to its confusion.

By these false and fallacious mediums, the clearness of men's understandings were dazzled ; and, upon the matter, all their opinions, and judgments for the future, captivated and pre-engaged by their own votes and determinations. For, how easy a matter is it to make it appear to that man, who consented that the King intended to make war against the Parliament, that when he should do it, he had broken his oath, and dissolved his government ; and, that whosoever should assist him were traitors ; I say, how easy was it to persuade that man, that he was obliged to defend the Parliament ; to endeavour to uphold that government ; and to resist those traitors ? and, whosoever considers that the nature of men, especially of men in authority, is inclined rather to commit two errors, than to retract one, will not marvel, that from this root of unadvisedness, so many and tall branches of mischief have proceeded. And therefore it were to be wished, that those, who have the honour to be trusted in public consultations, were endued with so much natural logic, to discern the consequences of every public act and conclusion ; and with so much conscience and courage,

rage, to watch the first impressions upon their understanding and compliance: and that, neither out of the impertinency of the thing, which men are all apt to conclude out of impatience of dispatch; or out of stratagem to make men odious, (as in this Parliament many forbore to oppose unreasonable resolutions, out of an opinion, that they would make the contrivers odious), or upon any other (though seeming never so politic) considerations, they consent not to any propositions, by which truth or justice are invaded. I am confident, with very good warrant, that many men have, from their souls, abhorred every article of this rebellion; and heartily deprecated the miseries and desolation we have suffered by it, who have themselves, with great alacrity and industry, contributed to, if not contrived, those very votes and conclusions, from whence the evils they abhor, have most naturally and regularly flowed, and been deduced; and which they could not reasonably, upon their own concessions, contradict and oppose.

But to conclude, a man shall not unprofitably spend his contemplation, that, upon this occasion, considers the method of God's justice, (a method terribly remarkable in many passages, and upon many persons, which we shall be compelled to remember in this discourse), that the same principles, and the same application of those principles, should be used to the wresting all sovereign power from the Crown, which the Crown had a little before made use of for the extending its authority and power beyond its bounds, to the prejudice of the just rights of the subject. A supposed necessity was then thought ground enough to create a power, and a bare averment of that necessity, to beget a practice to impose what tax they thought

thought convenient upon the subject, by writs of ship-money never before known ; and a supposed necessity now, and a bare averment of that necessity, is as confidently, and more fatally, concluded a good ground to exclude the Crown from the use of any power, by an ordinance never before heard of ; and the same maxim of *salus populi suprema lex*, which had been used to the infringing the liberty of the one, made use of for the destroying the rights of the other : only that of the Psalmist is yet inverted ; for many of those, who were the principal makers of the first pit, are so far from falling into it, that they have been the chiefest diggers of the second ditch, in which so many have been confounded.

Though they had yet no real apprehension, that the King would be able, in the least degree, to raise a force against them, yet they were heartily enraged to find that he lived more like a King, than they wished he should ; that there was so great resort to him from all parts ; and that whereas, little more than two months before, his own servants durst hardly avow the waiting on him, now the chief gentlemen of all counties travelled to him, to tender their service ; which implied a disapprobation, at least, if not a contempt of the two Houses' carriage towards him. Therefore, to prevent this mischief, they easily found exception to, and information against, some persons, who had resorted to York ; whom they sent the Serjeant of the House of Commons to apprehend, and bring them before the House as delinquents, to answer such matters as should be objected against them. In this number there was one Beckwith, a gentleman of York-shire, who, as Sir John Hotham had sent them word, had endeavoured to corrupt some officers of the garrison

rison to deliver Hull up to the King ; this they declared to be a very heinous crime, and little less than high treason ; and therefore concluded him a delinquent, and to be sent for to attend them : it was thought strangely ridiculous by standers by, that Sir John Hotham should be justified for keeping the town against the King, and another gentleman be voted a delinquent for designing to recover it to its allegiance ; and that they, who, but few days before, when the King had sent a warrant to require Serjeant-Major Skippon to attend his Majesty at York, resolved, and published their resolution in print, (as they did all things, which they conceived might diminish the reputation of the King, or his authority), “ that such command from his Majesty was against “ the law of the land, and the liberty of the subject, “ and likewise (the person being employed by them “ to attend their service) against the privilege of Par-“ liament ; and therefore, that their Serjeant-Major-“ General of the forces of London (that was his style) “ should continue to attend the service of both Houses “ according to their former commands ; ” should ex-
pect that their warrant should be submitted to by those, who were waiting on the King, whose known legal authority, severed from any thing that might be understood to relate to the Parliament, or its privileges, they had so flatly contradicted and contemned, that the same day on which they redeemed their officer Skippon from his allegiance, and duty of going to the King, being informed, that the King had sent a writ to adjourn the term (Midsummer term) to York from Westminster, which, without all question, was in his power legally to do, they declared, “ that the “ King’s removing of the term to York from West-“ minster

"minster, sitting the Parliament, was illegal;" and ordered, "that the Lord Keeper should not issue out "any writs, or seal any proclamation, to that purpose;" which was by him observed accordingly, notwithstanding the King's command for the adjournment.

When their officer came to York for the apprehension of the delinquents, he found the same neglect there of the Parliament, as was found above of the King; and was so ill intreated by those, whom he looked upon as his prisoners, that, if the King's extraordinary provision had not been interposed, the messenger would scarce have returned to have reported how uncurrent such warrants were like to be in York, and how perilous such voyages might prove to the adventurers: but how amazed or surprised soever they seemed to be with this new contradiction, it was no more than they looked for; for their dilemma was, if their messenger returned with his prize, all the resort to, and all the glory of York was determined; for no man would repair thither, from whence the bare voting him a delinquent would remove him with those other inconvenient circumstances of censure and imprisonment: if he returned neglected and affronted, as they presumed he would, they had a new reproach for the King, "of protecting delinquents "against the justice of Parliament;" which would be a new breach of their privileges, as heinous and unpopular, as had yet been made, and for the vindication whereof their protestation would no less oblige them, than it had done on the behalf of the five members. And such votes they passed upon the return of their officer; and had in readiness prepared two voluminous declarations to the people, which they published about the same time; the one filled with all the reiterated complaints,

complaints, and envenomed repetitions, of what had been done, or been thought to have been done amiss in the whole reign of the King, to render his person odious, or unacceptable ; the other undervaluing his royal power, and declaring against it, to make his authority despised, at least not feared.

The first was of the nineteenth of May, in which they declared,

“ That the infinite mercy and providence of the Almighty God had been abundantly manifested, since the beginning of this Parliament, in great variety of protections and blessings ; whereby he had not only delivered them from many wicked plots and designs; which, if they had taken effect, would have brought ruin and destruction upon the kingdom ; but, out of those attempts, had produced divers evident and remarkable advantages, to the furtherance of those services, which they had been desirous to perform to their Sovereign Lord the King, and to the Church and State, in providing for the public peace, and prosperity of his Majesty, and all his realms ; which, in the presence of the same all-seeing Deity, they protested to have been, and still to be, the only end of all their counsels and endeavours ; wherein they had resolved to continue freed and enlarged from all private aims, personal respects, or passions whatsoever.

“ In which resolution, they said, they were nothing discouraged, although the heads of the malignant party disappointed of their prey, the religion and liberty of the kingdom, which they were ready to seize upon and devour before the beginning of this Parliament, had still persisted, by new practices, both of force and subtlety, to recover the same

“ again ; for which purpose they had made several
“ attempts for bringing up the army ; they afterwards
“ projected the false accusation of the Lord Kimbol-
“ ton, and the five members of the House of Com-
“ mons, which being in itself of an odious nature,
“ they had yet so far prevailed with his Majesty, as to
“ procure him to take it upon himself ; but when the
“ unchangeable duty and faithfulness of the Parliament
“ could not be wrought upon, by such a fact as that,
“ to withdraw any part of their reverence and obedi-
“ ence from his Majesty, they had, with much art and
“ industry, advised his Majesty to suffer divers unjust
“ scandals and imputations upon the Parliament, to be
“ published in his name, whereby they might make it
“ odious to the people, and, by their help, destroy
“ that, which hitherto had been the only means of
“ their own preservation.

“ For this purpose, they had drawn his Majesty
“ into the northern parts far from the Parliament ;
“ that so false rumours might have time to get credit,
“ and the just defences of the Parliament find a more
“ tedious, difficult, and disadvantageous access, after
“ those false imputations and slanders had been first
“ rooted in the apprehension of his Majesty, and his
“ subjects ; which the more speedily to effect, they
“ had caused a press to be transported to York, from
“ whence several papers and writings of that kind
“ were conveyed to all parts of the kingdom, without
“ the authority of the Great Seal, in an unusual and
“ illegal manner, and without the advice of his Ma-
“ jesty’s Privy-Council ; from the greater and better
“ part whereof having withdrawn himself, as well as
“ from his great council of Parliament, he was there-
“ by exposed to the wicked and unfaithful counsels
“ of

“ of such, as had made the wisdom and justice of the
“ Parliament dangerous to themselves ; and that dan-
“ ger they laboured to prevent by hiding their own
“ guilt under the name and shadow of the King ; in-
“ fusing into him their own fears, and, as much as in
“ them lay, aspersing his royal person and honour
“ with their own infamy ; from both which it had
“ always been as much the care, as it was the duty of
“ the Parliament to preserve his Majesty, and to fix
“ the guilt of all evil actions and counsels upon those
“ who had been the authors of them.

“ Among divers writings of that kind, they said,
“ they, the Lords and Commons in Parliament, had
“ taken into their considerations two printed papers ;
“ the first containing a declaration, which they had
“ received from his Majesty, in answer to that which
“ had been presented to his Majesty from both Houses
“ at Newmarket, the ninth of March, 1641 ; the
“ other, his Majesty’s answer to the petition of both
“ Houses, presented to his Majesty the twenty-sixth
“ of March, 1642. Both which were filled with harsh
“ censures, and causeless charges upon the Parliament ;
“ concerning which they held it necessary to give sa-
“ tisfaction to the kingdom ; seeing they found it
“ very difficult to satisfy his Majesty, whom, to their
“ great grief, they had found to be so engaged to,
“ and possessed by those misapprehensions, which evil
“ counsellors have wrought in him, that their most
“ humble and faithful remonstrances had rather irri-
“ tated and embittered, than any thing allayed, or
“ mitigation, the sharp expressions, which his Majesty
“ had been pleased to make in answer to them ; for
“ the manifestation whereof, and of their own inno-

"cency, they desired that all his Majesty's loving subjects might take notice of these particulars :

"They knew no occasion given by them, which "might move his Majesty to tell them, that in their "declaration, presented at Newmarket, there were "some expressions different from the usual language "to Princes : neither did they tell his Majesty, either "in words or in effect, that if he did not join with "them in an act, which he conceived might prove "prejudicial and dangerous to himself, and the whole "kingdom, they would make a law without him, and "impose it upon the people. That which they desired, "they said, was, that, in regard of the imminent dan- "ger of the kingdom, the militia, for the security of "his Majesty and his people, might be put under "the command of such noble and faithful persons, "as they had all cause to confide in : and such was "the necessity of this preservation, that they declared, "that, if his Majesty should refuse to join with them "therein, the two Houses of Parliament, being the "supreme court, and highest council of the king- "dom, were enabled, by their own authority, to pro- "vide for the repulsing of such imminent and evident "danger, not by any new law of their own making, "as had been untruly suggested to his Majesty, but "by the most ancient law of the kingdom, even that "which is fundamental and essential to the constitu- "tion and subsistence of it.

"Although they never desired, they said, to en- "courage his Majesty to such replies as might pro- "duce any contestation between him and his Parlia- "ment, of which they never found better effect, than "loss of time, and hindrance of the public affairs ;
"yet

“ yet they had been far from telling him of how little
“ value his words would be with them, much less
“ when they were accompanied with actions of love
“ and justice. They said, he had more reason to find
“ fault with those wicked counsellors, who had so of-
“ ten bereaved him of the honour, and his people
“ of the fruit of many gracious speeches, which he
“ had made to them, such as those in the end of the
“ last Parliament; that, on the word of a King, and
“ as he was a gentleman, he would redress the griev-
“ ances of his people, as well out of Parliament, as in
“ it. They asked, if the searching the studies and
“ chambers, yea, the pockets of some, both of the No-
“ bility and Commons, the very next day; the com-
“ mitment of Mr. Bellasis, Sir John Hotham, and
“ Mr. Crew; the continued oppressions by ship-
“ money, coat and conduct money; with the mani-
“ fold imprisonments, and other vexations thereupon,
“ and other ensuing violations of the laws and liber-
“ ties of the kingdom, (all which were the effects of
“ evil counsel, and abundantly declared in their re-
“ monstrance of the state of the kingdom), were ac-
“ tions of love and justice, suitable to such words as
“ those?

“ As gracious was his Majesty’s speech in the be-
“ ginning of this Parliament; that he was resolved to
“ put himself freely and clearly upon the love and af-
“ fection of his English subjects. They asked whe-
“ ther his causeless complaints and jealousies, the un-
“ just imputations so often cast upon his Parliament,
“ his denial of their necessary defence by the ordi-
“ nance of the militia, his dangerous absenting him-
“ self from his Great Council, like to produce such a
“ mischievous division in the kingdom, had not been

“ more suitable to other men’s evil counsels, than to
“ his own words? Neither, they said, had his latter
“ speeches been better used, and preserved by those
“ evil and wicked counsellors. Could any words be
“ fuller of love and justice, than those in his answer to
“ the message sent to the House of Commons, the
“ thirty-first of December, 1641: We do engage
“ unto you solemnly the word of a King, that the se-
“ curity of all and every one of you from violence is,
“ and ever shall be, as much our care, as the prefer-
“ vation of us, and our children? And could any
“ actions be fuller of injustice and violence, than that
“ of the Attorney General, in falsely accusing the six
“ members of Parliament, and the other proceedings
“ thereupon, within three or four days after that mes-
“ sage? For the full view whereof, they desired the
“ declaration made of those proceedings might be
“ perused; and by those instances (they could add
“ many more) the world might judge who deserved to
“ be taxed with disvaluing his Majesty’s words, they
“ who had, as much as in them lay, stained and ful-
“ lied them with such foul counsels; or the Parlia-
“ ment, who had ever manifested, with joy and de-
“ light, their humble thankfulness for those gracious
“ words, and actions of love and justice, which had
“ been conformable thereunto.

“ The King, they said, had been pleased to disavow
“ the having any such evil counsel or counsellors, as
“ were mentioned in their declaration, to his know-
“ ledge; and they held it their duty humbly to avow
“ there were such; or else they must say, that all the
“ ill things done of late in his Majesty’s name had
“ been done by himself; wherein they should neither
“ follow the direction of the law, nor the affection of
“ their

“ their own hearts, which was, as much as might be, to
“ clear his Majesty from all imputation of misgovern-
“ ment, and to lay the fault upon his ministers. The
“ false accusing of six members of Parliament; the
“ justifying Mr. Attorney in that false accusation; the
“ violent coming to the House of Commons; the de-
“ nial of the militia; the sharp messages to both
“ Houses, contrary to the customs of former Kings;
“ the long and remote absence of his Majesty from
“ Parliament; the heavy and wrongful taxes upon
“ both Houses; the cherishing and countenanc-
“ ing a discontented party in the kingdom against
“ them, were certainly the fruits of very evil counsels,
“ apt to put the kingdom into a combustion, to hin-
“ der the supplies of Ireland, and to countenance the
“ proceedings and pretensions of the rebels there: and
“ the authors of these evil counsels, they conceived,
“ must needs be known to his Majesty; and they
“ hoped their labouring with his Majesty, to have
“ those discovered, and brought to a just censure,
“ would not so much wound his honour, in the opi-
“ nion of his good subjects, as his labouring to pre-
“ serve and conceal them.

“ And whereas his Majesty had said, he could wish
“ that his own immediate actions, which he avowed,
“ and his own honour, might not be so roughly cen-
“ sured under the common style of evil counsellors;
“ they said, that they could also heartily wish that
“ they had not cause to make that style so common
“ but how often and undutifully soever, those wicke
“ counsellors should fix their dishonour upon th
“ King, by making his Majesty the author of tho
“ evil actions, which were the effects of their own evi
“ counsels, they, his Majesty’s loyal and dutiful sub

“jects could use no other style, according to that
“maxim of the law, *the King can do no wrong*; but
“if any ill were committed in matter of state, the
“Council; if in matter of justice, the Judges must
“answer for it.

“They said, they had laid no charge upon his Ma-
“jesty, which should put him upon that apology,
“concerning his faithful and jealous affection of the
“Protestant profession: neither did his Majesty en-
“deavour to clear those in greatest authority about
“him, by whom they had said that design had been
“potently carried on for divers years; and they rather
“wished that the mercies of heaven, than the judg-
“ments, might be manifested upon them; but that
“there had been such, there were such plentiful and
“frequent evidences, that they believed there was
“none, either Protestant or Papist, who had had any
“reasonable view of the passages of latter times, but,
“either in fear or hope, did expect a sudden issue of
“that design.

“They said, they had no way transgressed against
“the Act of Oblivion, by remembering the intended
“war against Scotland, as a branch of that design to
“alter religion by those wicked counsels, from which
“God did then deliver them, which they ought never
“to forget.

“That the rebellion in Ireland was framed and
“cherished by the Popish and malignant party in
“England, was not only affirmed by the rebels, but,
“they said, might be cleared by many other proofs:
“the same rebellious principles of pretended religion,
“the same politic ends were apparent in both, and
“their malicious designs and practices were masked
“and disguised with the same false colour of their
“earnest

“ earnest zeal to vindicate his Majesty’s prerogative,
“ from the supposed oppression of the Parliament.
“ How much those treacherous pretences had been
“ countenanced, by some evil council about his Ma-
“ jesty, might appear in this, that the proclamation,
“ whereby they were declared traitors, was so long
“ withheld, as to the second of January, though the
“ rebellion broke forth in October before, and then
“ no more than forty copies appointed to be printed ;
“ with a special command from his Majesty not to ex-
“ ceed that number ; and that none of them should be
“ published, till his Majesty’s pleasure was further fig-
“ nified, as by the warrant appears, a true copy where-
“ of was annexed to this declaration ; so that a few
“ only could take notice of it ; which was made more
“ observable, by the late contrary proceedings against
“ the Scots, who were in a very quick and sharp man-
“ ner proclaimed ; and those proclamations forthwith
“ dispersed, with as much diligence as might be,
“ throughout all the kingdom, and ordered to be read
“ in all churches, accompanied with public prayers
“ and execrations. Another evidence of favour and
“ countenance to the rebels in some of power about
“ his Majesty, was this, that they had put forth, in his
“ Majesty’s name, a causeless complaint against the
“ Parliament, which speaks the same language of the
“ Parliament which the rebels do, thereby to raise a
“ belief in men’s minds, that his Majesty’s affections
“ were alienated, as well as his person was removed,
“ from that his Great Council. All which, they said,
“ did exceedingly retard the supplies of Ireland, and
“ more advance the proceedings of the rebels, than
“ any jealousy or misapprehension begotten in his
“ subjects, by the declaration of the rebels, injunction
“ of

" of Rosetti, or information of Tristram Whetcomb ;
" so that, considering the present state and temper of
" both kingdoms, his royal presence was far more ne-
" cessary here, than it could be in Ireland, for re-
" demption or protection of his subjects there.

" And whether there were cause of his Majesty's
" great indignation, for being reproached to have in-
" tended force or threatening to the Parliament, they
" desired them to consider who should read their de-
" clarations, in which there was no word tending to
" any such reproach ; and certainly, they said, they
" had been more tender of his Majesty's honour in
" that point, than he, whosoever he was, that did write
" that declaration ; where, in his Majesty's name, he
" did call God to witness, he never had any such
" thought, or knew of any such resolution of bringing
" up the army ; which truly, they said, would seem
" strange to those, who should read the deposition of
" Mr. Goring, the information of Mr. Percy, and
" divers other examinations of Mr. Wilmot, Mr. Pol-
" lard, and others ; the other examination of Captain
" Leg, Sir Jacob Ashley, and Sir John Conyers ; and
" consider the condition and nature of the petition,
" which was sent unto Sir Jacob Ashley, under the ap-
" probation of C. R. which his Majesty had now ac-
" knowledged to be his own hand ; and, being full of
" scandal to the Parliament, might have proved dan-
" gerous to the whole kingdom, if the army should
" have interposed betwixt the King and them, as was
" desired.

" They did not affirm that his Majesty's warrant
" was granted for the passage of Mr. Jermyn, after
" the desire of both Houses for restraint of his ser-
" vants ; but only that he did pass over, after that re-
" straint,

“ straint, by virtue of such a warrant. They knew
“ the warrant bore date the day before their desire ;
“ yet, they said, it seemed strange to those, who knew
“ how great respect and power Mr. Jermyn had in
“ Court, that he should begin his journey in such
“ haste, and in apparel so unfit for travel, as a black
“ satin suit, and white boots, if his going away was
“ designed the day before.

“ The accusation of the Lord Kimbolton, and the
“ five members of the House of Commons, was called
“ a breach of privilege ; and truly so it was, and a
“ very high one, far above any satisfaction that had
“ been yet given : for, they asked, how it could be
“ said to be largely satisfied, so long as his Majesty
“ laboured to preserve Mr. Attorney from punish-
“ ment, who was the visible actor in it ? So long as
“ his Majesty had not only justified him, but by his
“ letter declared, that it was his duty to accuse them,
“ and that he would have punished him, if he had
“ not done it ? So long as those members had not the
“ means of clearing their innocence, and the authors
“ of that malicious charge were undiscovered, though
“ both Houses of Parliament had several times peti-
“ tioned his Majesty to discover them, and that, not
“ only upon the grounds of common justice, but by
“ act of Parliament, his Majesty was bound to do it ?
“ So long as the King refused to pass a bill for their
“ discharge, alleging that the narrative in that bill was
“ against his honour ; whereby he seemed still to
“ avow the matter of that false and scandalous accusa-
“ tion, though he deserted the prosecution, offering
“ to pass a bill for their acquittal ; yet with intima-
“ tion that they must desert the avowing their own
“ innocence, which would more wound them in ho-

“ nour,

“ nour, than secure them in law? And in vindication of that great privilege of Parliament, they did “ not know that they had invaded any privilege belonging to his Majesty, as had been alleged in that declaration.

“ But, they said, they looked not upon that only in “ the notion of a breach of privilege, which might “ be, though the accusation were true or false; but “ under the notion of a heinous crime in the Attorney, and all other subjects, who had a hand in it; a “ crime against the law of nature, against the rules of “ justice; that innocent men should be charged with “ so great an offence as treason, in the face of the “ highest judicatory of the kingdom, whereby their “ lives and estates, their blood and honour, were en- “ dangered, without witness, without evidence, with- “ out all possibility of reparation in a legal course; “ yet a crime of such a nature, that his Majesty’s “ command can no more warrant, than it can any “ other act of injustice. These things, which were “ evil in their own nature, such as a false testimony, or “ false accusation, could not be the subject of any “ command, or induce any obligation of obedience “ upon any man, by any authority whatsoever: there- “ fore the Attorney, in that case, was bound to have “ refused to execute such a command, unless he had “ some such evidence or testimony, as might have “ warranted him against the parties, and be liable to “ make satisfaction, if it should prove false; and it “ was sufficiently known to every man, and adjudged “ in Parliament, that the King could be neither the “ relator, informer, or witness. If it should rest as it “ was, without further satisfaction, no future Parlia- “ ment could be safe, but that the members might be
“ taken,

" taken, and destroyed at pleasure ; yea the very
" principles of government and justice would be in
" danger to be dissolved.

" They said, they did not conceive, that numbers
" did make an assembly unlawful, but when either the
" end, or manner of their carriage should be unlawful.
" Divers just occasions might draw the citizens to
" Westminster ; where many public and private peti-
" tions, and other causes, were depending in Parlia-
" ment ; and why that should be found more faulty
" in the citizens, than the resort every day in the
" term of great numbers to the ordinary courts of
" justice, they knew not : that those citizens were no-
" toriously provoked, and assaulted at Westminster by
" Colonel Lunsford, Captain Hyde, and others, and
" by some of the servants of the Archbishop of York,
" was sufficiently proved ; and that afterwards they
" were more violently wounded, and most barbarously
" mangled with swords, by the officers and soldiers
" near Whitehall, many of them being without wea-
" pons, and giving no cause of distaste, was likewise
" proved by several testimonies ; but of any scandal-
" ous or seditious misdemeanours of theirs, that might
" give his Majesty good cause to suppose his own per-
" son, or those of his royal consort or children, to be
" in apparent danger, they had no proof ever offered
" to either House ; and if there had been any com-
" plaint of that kind, it was no doubt the Houses
" would have been as forward to join in an order, for
" the suppressing of such tumults, as they were, not
" long before, upon another occasion, when they
" made an order to that purpose ; whereas those offi-
" cers and soldiers, which committed that violence
" upon so many of the citizens at Whitehall, were
" cherished

“cherished and fostered in his Majesty’s house; and
“when, not long after, the Common Council of Lon-
“don presented a petition to his Majesty for repar-
“ation of those injuries, his Majesty’s answer was,
“without hearing the proof of the complaints, that if
“any citizen were wounded, or ill entreated, his Ma-
“jesty was confidently assured, that it happened by
“their own evil and corrupt demeanours.

“They said, they hoped, it could not be thought
“contrary to the duty and wisdom of a Parliament,
“if many concurring, and frequently reiterated and
“renewed advertisements from Rome, Venice, Paris,
“and other parts, if the solicitations of the Pope’s
“nuncio, and their own discontented fugitives, did
“make them jealous and watchful for the safety of
“the State: and they had been very careful to make
“their expressions thereof so easy, and so plain to the
“capacity and understanding of the people, that no-
“thing might justly stick with them, with reflection
“upon the person of his Majesty: wherein they ap-
“pealed to the judgment of any indifferent person,
“who should read and peruse their own words.

“They said, they must maintain the ground of
“their fears to be of that moment, that they could
“not discharge the trust and duty that lay upon
“them, unless they did apply themselves to the use
“of those means, to which the law had enabled them
“in cases of that nature, for the necessary defence of
“the kingdom; and as his Majesty did graciously
“declare, that the law should be the measure of his
“power; so did they most heartily profess, that they
“should always make it the rule of their obedience.
“Then they observed, that there were certain pru-
“dent omissions in his Majesty’s answer; and said,
“that

“ that the next point of their declaration was, with
“ much caution, artificially passed over by him who
“ drew his Majesty’s answer ; it being indeed the
“ foundation of all their misery, and his Majesty’s
“ trouble, that he was pleased to hear general taxes
“ upon his Parliament, without any particular charge,
“ to which they might give satisfaction ; and that he
“ had often conceived displeasure against particular
“ persons, upon misinformation ; and although those
“ informations had been clearly proved to be false,
“ yet he would never bring the accusers to question ;
“ which did lay an impossibility upon honest men of
“ clearing themselves, and gave an encouragement to
“ false and unworthy persons to trouble him with
“ untrue and groundless informations. Three parti-
“ culars they had mentioned in their declaration,
“ which the penner of his Majesty’s answer had good
“ cause to omit : the words supposed to have been
“ spoken at Kensington ; the pretended articles against
“ the Queen ; and the groundless accusation of the
“ six members of Parliament ; there being nothing to
“ be said in defence, or denial of any of them.

“ Concerning his Majesty’s desire to join with his
“ Parliament, and with his faithful subjects, in de-
“ fence of religion, and the public good of the king-
“ dom, they said, they doubted not he would do it
“ fully, when evil counsellors should be removed
“ from about him ; and until that should be, as they
“ had shewed before of words, so must they also say
“ of laws, that they could not secure them : witness
“ the Petition of Right, which had been followed with
“ such an inundation of illegal taxes, that they had
“ just cause to think, that the payment of eight hun-
“ dred and twenty thousand pounds, was an easy bur-
“ then

“ then to the commonwealth in exchange of them ;
“ and they could not but justly think, that if there
“ were a continuance of such ill counsellors, and fa-
“ vor to them, they would, by some wicked device
“ or other, make the bill for the triennial Parliament,
“ and those other excellent laws mentioned in his
“ Majesty’s declaration, of less value than words.
“ That excellent bill for the continuance of this Par-
“ liament, they said, was so necessary, that without it
“ they could not have raised so great sums of money
“ for the service of his Majesty and the common-
“ wealth, as they had done, and without which the
“ ruin and destruction of the kingdom must needs
“ have followed : and, they were resolved, the gra-
“ cious favour of his Majesty, expressed in that bill,
“ and the advantage and security which thereby they
“ had from being dissolved, should not encourage
“ them to do any thing, which otherwise had not
“ been fit to have been done. And they were ready
“ to make it good before all the world, that though
“ his Majesty had passed many bills very advan-
“ tageous for the subject, yet in none of them had they
“ bereaved his Majesty of any just, necessary, or pro-
“ fitable prerogative of the Crown.

“ They said, they so earnestly desired his Majesty’s
“ return to London, for that upon it, they conceived,
“ depended the very safety and being of both his
“ kingdoms : and therefore they must protest, that, as
“ for the time past, neither the government of Lon-
“ don, nor any laws of the land, had lost their life and
“ force for his security, so for the future they should
“ be ready to do or say any thing, that might stand
“ with the duty or honour of a Parliament, which
“ might raise a mutual confidence between his Ma-
“ jesty

" jesty and them, as they did wish, and as the affairs
" of the kingdom did require.

" Thus far, they said, the answer to that, which
" was called his Majesty's Declaration, had led them.
" Now they came to that, which was entitled his Ma-
" jesty's Answer to the petition of both Houses, pre-
" sented to him at York, the twenty-sixth of March,
" 1642. In the beginning whereof, his Majesty
" wished, that their privileges on all parts were so
" stated, that that way of correspondency might be
" preserved with that freedom, which had been used
" of old. They said, they knew nothing introduced
" by them, that gave any impediment thereunto ;
" neither had they affirmed their privileges to be
" broken, when his Majesty denied them any thing,
" or gave a reason why he could not grant it ; or that
" those, who advised such a denial, were enemies to
" the peace of the kingdom, and favourers of the Irish
" rebellion ; in which asperion, that was turned to a
" general assertion, which, in their votes, was ap-
" plied to a particular case ; wherefore they must
" maintain their votes, that to contradict that, which
" both Houses, in the question concerning the mili-
" tia, had declared to be law, and command it should
" not be obeyed, is a high breach of privilege, and
" that those, who advised his Majesty to absent him-
" self from his Parliament, were enemies to the peace
" of the kingdom, and justly to be suspected to be fa-
" vorers of the rebellion in Ireland. The reasons of
" both were evident, because in the first there was
" as great a derogation from the trust and authority
" of Parliament ; and, in the second, as much advan-
" tage to the proceedings and hopes of the rebels, as
" might be ; and they held it a very causeless impu-

“ tation upon the Parliament, that they had therein
“ any way impeached, much less taken away the free-
“ dom of his Majesty’s vote ; which did not import a
“ liberty in his Majesty, to deny any thing how ne-
“ cessary soever for the preservation of the kingdom,
“ much less a licence to evil counsellors, to advise any
“ thing, though never so destructive to his Majesty
“ and his people.

“ By the message of the twentieth of January, his
“ Majesty had propounded to both Houses of Parlia-
“ ment, that they would, with all speed, fall into a fe-
“ rious consideration of all those particulars which they
“ thought necessary, as well for the upholding and
“ maintaining of his Majesty’s just and regal authority,
“ and for the settling his revenue, as for the present
“ and future establishing their privileges ; the free
“ and quiet enjoying their estates ; the liberties of
“ their persons ; the security of the true religion, pro-
“ fessed in the Church of England ; and the settling
“ of ceremonies, in such a manner, as might take
“ away all just offence, and digest it into one entire
“ body.

“ To that point of upholding and maintaining his
“ royal authority, they said, nothing had been done
“ to the prejudice of it, that should require any new
“ provision : to the other of settling the revenue, the
“ Parliament had no way abridged or disordered his
“ just revenue ; but it was true, that much waste and
“ confusion of his Majesty’s estate had been made by
“ those evil and unfaithful ministers, whom he had
“ employed in the managing of it ; whereby his own
“ ordinary expences would have been disappointed,
“ and the safety of the kingdom more endangered, if
“ the Parliament had not, in some measure, provided
“ for

“ for his household, and for some of the forts, more
“ than they were bound to do ; and they were still
“ willing to settle such a revenue upon his Majesty,
“ as might make him live royally, plentifully, and
“ safely ; but they could not, in wisdom and fidelity
“ to the commonwealth, do that, till he should choose
“ such counsellors and officers, as might order and
“ dispose it to the public good, and not apply it to
“ the ruin and destruction of his people, as hereto-
“ fore it had been. But that, and the other matters
“ concerning themselves, being works of great im-
“ portance, and full of intricacy, would require so
“ long a time of deliberation, that the kingdom might
“ be ruined before they could effect them : therefore
“ they thought it necessary, first to be suitors to his
“ Majesty, so to order the militia, that, the kingdom
“ being secured, they might, with more ease and
“ safety, apply themselves to debate of that message,
“ wherein they had been interrupted, by his Majesty’s
“ denial of the ordinance concerning the same ; be-
“ cause it would have been in vain for them to labour
“ in other things, and in the mean time to leave
“ themselves naked to the malice of so many enemies,
“ both at home and abroad ; yet they had not been
“ altogether negligent of those things, which his Ma-
“ jesty had been pleased to propound in that message :
“ they had agreed upon a book of rates in a larger
“ proportion, than had been granted to any of his
“ Majesty’s predecessors, which was a confiderable
“ support of his Majesty’s public charge ; and had
“ likewise prepared divers propositions, and bills, for
“ preservation of their religion and liberties, which
“ they intended shortly to present to his Majesty ; and
“ to do whatsoever was fit for them, to make up that

“unpleasant breach between his Majesty and the Parliament.

“Whereas divers exceptions had been taken concerning the militia ; first, that his Majesty never denied the thing, but accepted the persons, (except for corporations), only that he denied the way ; to which they answered, that that exception took off London, and all other great towns and cities, which make a great part of the kingdom ; and for the way of ordinance, it is ancient, more speedy, more easily alterable, and, in all these and other respects, more proper, and more applicable to the present occasion, than a bill ; which his Majesty called the good old way of imposing upon the subjects. It should seem, that neither his Majesty's royal predecessors, nor their ancestors, had heretofore been of that opinion ; 37 Edw. III. they said, they found this record : The Chancellor made declaration of the challenge of the Parliament ; the King desires to know the griefs of his subjects, and to redress enormities. The last day of the Parliament, the King demanded of the whole estates, whether they would have such things as they agreed on, by way of ordinance, or statute ? who answered, by way of ordinance, for that they might amend the same at their pleasures ; and so it was.

“But his Majesty objected further, that there was somewhat in the preface, to which he could not consent with justice to his honour and innocence ; and that thereby he was excluded from any power in the disposing of it. These objections, they said, might seem somewhat, but indeed would appear nothing, when it should be considered, that nothing in the preamble laid any charge upon his Majesty, or in

“ in the body of the ordinance, that excludes his
“ royal authority in the disposing or execution of it :
“ but only it was provided, that it should be signified
“ by both Houses of Parliament, as that channel,
“ through which it would be best derived, and most
“ certainly to those ends for which it was intended ;
“ and let all the world judge whether they had not
“ reason to insist upon it, that the strength of the
“ kingdom should rather be ordered according to the
“ advice or direction of the great council of the
“ land, entrusted by the King, and by the kingdom,
“ than that the safety of the King, Parliament, and
“ kingdom, should be left at the devotion of a few un-
“ known Counsellors, many of them not entrusted at
“ all by the King in any public way, nor at all con-
“ fided in by the kingdom.

“ They wished the danger were not imminent, or
“ not still continuing, but could not conceive, that
“ the long time spent in that debate was evidence
“ sufficient, that there was no such necessity or dan-
“ ger, but a bill might easily have been prepared ;
“ for, when many causes do concur to the danger of
“ a state, the interruption of any one might hinder
“ the execution of the rest, and yet the design be still
“ kept on foot, for better opportunities. Who knew,
“ whether the ill success of the rebels in Ireland had
“ not hindered the insurrection of the Papists here ?
“ Whether the preservation of the six members of the
“ Parliament, falsely accused, had not prevented that
“ plot of the breaking the neck of this Parliament, of
“ which they were informed from France, not long
“ before they were accused ; yet since his Majesty
“ had been pleased to express his pleasure rather for a
“ bill, than an ordinance, and that he sent in one for

“ that purpose, they readily entertained it ; and, with
“ some small and necessary alterations, speedily passed
“ the same. But contrary to the custom of Parlia-
“ ment, and their expectation, grounded upon his
“ Majesty’s own invitation of them to that way, and
“ other reasons manifested in their declaration con-
“ cerning the militia, of the fifth of May, instead of
“ the royal assent, they met with an absolute refusal.

“ For their votes of the fifteenth and sixteenth of
“ March, they said, if the matter of those votes were
“ according to law, they hoped his Majesty would
“ allow the subjects to be bound by them, because
“ he had said, he would make the law the rule of his
“ power ; and if the question were, whether that were
“ law, which the Lords and Commons had once de-
“ clared to be so, who should be the judge ? Not his
“ Majesty ; for the King judgeth not of matters of law,
“ but by his courts ; and his courts, though fitting
“ by his authority, expected not his assent in matters
“ of law : nor any other courts ; for they could not
“ judge in that case, because they were inferior, no
“ appeal lying to them from Parliament, the judg-
“ ment whereof is, in the eye of the law, the King’s
“ judgment in his highest court, though the King in
“ his person be neither present, nor assenting thereunto.

“ *The votes at which his Majesty took exception were
“ these :*

1. “ That the King’s absence so far remote from
“ his Paliment, was not only an obstruction, but
“ might prove a destruction to the affairs of Ireland.
2. “ That when the Lords and Commons shall de-
“clare what the law of the land is, to have this not
“ only questioned and controverted, but contradicted,
“ and

“ and a command that it should not be obeyed, was a
“ high breach of the privilege of Parliament.

3. “ That those persons, who advised his Majesty
“ to absent himself from the Parliament, are enemies
“ to the peace of the kingdom, and justly may be
“ suspected to be favourers of the rebellion in Ire-
“ land.

“ That the kingdom had been of late, and still was,
“ in so imminent danger, both from enemies abroad,
“ and from a Popish and discontented party at home,
“ that there was an urgent and inevitable necessity of
“ putting his Majesty’s subjects into a posture of de-
“ fence, for the safeguard both of his Majesty and his
“ people.

“ That the Lords and Commons, fully apprehend-
“ ing this danger, and being sensible of their own
“ duty, to provide a suitable prevention, had, in se-
“ veral petitions, addressed themselves to his Majesty,
“ for the ordering and disposing the militia of the
“ kingdom in such a way, as was agreed upon, by the
“ wisdom of both Houses, to be most effectual, and
“ proper for the present exigence of the kingdom,
“ yet could not obtain it; but his Majesty did, se-
“ veral times, refuse to give his royal assent there-
“ unto.

“ That, in this case of extreme danger, and his
“ Majesty’s refusal, the ordinance of Parliament,
“ agreed upon by both Houses, for the militia, doth
“ oblige the people, and ought to be obeyed, by the
“ fundamental laws of this kingdom.

“ By all which, they said, it did appear, that there
“ had been no colour of that tax, that they went
“ about to introduce a new law, much less to exercise

“ an arbitrary power, but indeed to prevent it : for
“ this law was as old as the kingdom ; that the king-
“ dom must not be without a means to preserve itself ;
“ which that it might be done without confusion,
“ this nation had entrusted certain hands with power
“ to provide, in an orderly and regular way, for the
“ good and safety of the whole ; which power, by the
“ constitution of the kingdom, was in his Majesty,
“ and in his Parliament together : yet since the
“ Prince, being but one person, is more subject to ac-
“ cidents of nature and chance, whereby the common-
“ wealth may be deprived of the fruit of that trust,
“ which was, in part, reposed in him ; in cases of
“ such necessity, that the kingdom may not be en-
“ forced presently to return to its first principles, and
“ every man left to do what is right in his own eyes,
“ without either guide or rule ; the wisdom of this
“ state hath entrusted the Houses of Parliament with
“ a power to supply, what should be wanting on the
“ part of the Prince, as is evident by the constant
“ custom and practice thereof, in cases of nonage,
“ natural disability, and captivity ; and the like rea-
“ son doth and must hold for the exercise of the
“ same power in such cases, where the royal trust can-
“ not be, or is not discharged, and that the kingdom
“ runs an evident and imminent danger thereby ;
“ which danger having been declared by the Lords
“ and Commons in Parliament, there needs not the
“ authority of any person or court to affirm, nor is it
“ in the power of any person or court to revoke that
“ judgment.

“ They said, they knew the King had ways enough,
“ in his ordinary courts of justice, to punish such se-
“ ditious pamphlets and sermons, as were any ways
“ prejudiciale

“ prejudicial to his rights, honour, and authority ;
“ and if any of them had been so insolently violated
“ and vilified, his Majesty’s own council and officers
“ had been to blame, and not the Parliament : they
“ never had restrained any proceedings of that kind
“ in other courts, nor refused any fit complaint to
“ them. The Protestation protested had been re-
“ ferred by the Commons’ House to a committee,
“ and, the author being not produced, the printer
“ committed to prison, and the book voted by that
“ committee to be burned ; but Sir Edward Deering,
“ who was to make that report of the votes of that com-
“ mittee, neglected to make it. The Apprentices’ Pro-
“ testation was never complained of : but the other
“ seditious pamphlet, *To your tents, O Israel*, was
“ once questioned, and the full prosecution of it was
“ not interrupted by any fault of either House, whose
“ forwardness to do his Majesty all right therein might
“ plainly appear, in that a committee of Lords and
“ Commons was purposely appointed, to take such in-
“ formations as the King’s Council should present con-
“ cerning seditious words, practices, or tumults, pam-
“ phlets, or sermons, tending to the derogation of his
“ Majesty’s rights or prerogative, and his Council had
“ been enjoined by that committee, to enquire and
“ present them ; who several times met thereupon,
“ and received this answer and declaration from the
“ King’s Council, that they knew of no such thing as
“ yet.

“ They said, if his Majesty had used the service of
“ such a one in penning that answer, who understood
“ the laws and government of this kingdom, he would
“ not have thought it legally in his power to deny his
“ Parliament a guard, when they stood in need of it ;
“ since

" since every ordinary court hath it : neither would
" his Majesty, if he had been well informed of the
" laws, have refused such a guard as they desired, it
" being in the power of inferior courts to command
" their own guard ; neither would he have imposed
" upon them such a guard, under a commander which
" they could not have confided in ; which is clearly
" against the privileges of Parliament, and of which
" they found very dangerous effects ; and therefore de-
" fired to have it discharged ; but such a guard, and so
" commanded, as the Houses of Parliament desired,
" they could never obtain of his Majesty ; and the
" placing a guard about them, contrary to their desire,
" was not to grant a guard to them, but in effect to
" set one upon them : all which considered, they be-
" lieved, in the judgment of any indifferent persons,
" it would not be thought strange, if there were a
" more than ordinary resort of people to Westminster,
" of such as came willingly, of their own accord, to
" be witnesses and helpers of the safety of them,
" whom all his Majesty's good subjects are bound to
" defend from violence and danger ; or that such a
" concourse as that (they carrying themselves quietly
" and peaceably, as they did) ought in his Majesty's
" apprehension, or could, in the interpretation of the
" law, be held tumultuary and seditious.

" They said, when his Majesty, in that question of
" violation of the laws, had expressed the observation
" of them indefinitely, without any limitation of time,
" although they never said, or thought any thing, that
" might look like a reproach to his Majesty, yet they
" had reason to remember that it had been otherwise,
" lest they should seem to desert their former com-
" plaints, and proceedings thereupon, as his Majesty
" dit

“ did seem but little to like or approve them : for
“ though he did acknowledge here that great mis-
“ chief, that grew by that arbitrary power then com-
“ plained of ; yet such were continually preferred and
“ countenanced, as were friends or favourers, or re-
“ lated to the chief authors and actors of that arbit-
“ rary power, and of those false colours, and sugges-
“ tions of imminent danger and necessity, whereby
“ they did make it plausible unto his Majesty : and,
“ on the other side, such as did appear against them
“ were daily discountenanced and disgraced : which
“ whilst it should be so, they had no reason to believe
“ the disease to be yet killed, and dead at root, and
“ therefore no reason to bury it in oblivion ; and,
“ whilst they beheld the spawns of those mischievous
“ principles cherished and fostered in that new gene-
“ ration of counsellors, friends, and abettors of the
“ former, or at least concurring with them in their
“ malignancy against the proceeding of this Parlia-
“ ment, they could not think themselves secure from
“ the like, or a worse danger.

“ They observed, the penner of his Majesty’s an-
“ swer bestowed here an admonition upon the Parlia-
“ ment, bidding them take heed they fell not upon
“ the same error, upon the same suggestions ; but,
“ they said, he might well have spared that, till he
“ could have shewed wherein they had exercised any
“ power, otherwise than by the rule of the law ; or
“ could have found a more authentic, or a higher
“ judge in matters of law, than the high court of Par-
“ liament.

“ It was declared, in his Majesty’s name, that he
“ resolved to keep the rule himself, and, to his power,
“ to require the same of all others. They said, they
“ must

“ must needs acknowledge, that such a resolution was
“ like to bring much happiness and blessing to his
“ Majesty, and all his kingdoms ; yet, with humility,
“ they must confess, they had not the fruit of it in
“ that case of the Lord Kimbolton, and the other five
“ members, accused contrary to law, both common
“ and the statute law ; and yet remained unsatisfied :
“ which case had been remembered, in their declara-
“ tion, as a strange and unheard of violation of their
“ laws : but the penner of that answer thought fit to
“ pass it over, hoping that many would read his Ma-
“ jesty’s answer, which had been so carefully dispersed,
“ who would not read their declaration.

“ Whereas, after their ample thanks and acknow-
“ ledgment of his Majesty’s favour in passing many
“ good bills, they had said, that truth and necessity
“ enforced them to add this, that in or about the
“ time of passing those bills, some design or other had
“ been on foot, which, if it had taken effect, would
“ not only have deprived them of the fruit of those
“ bills, but would have reduced them to a worse condi-
“ tion of confusion, than that wherein the Parliament
“ found them : it was now told them, that the King
“ must be most sensible of what they had cast upon
“ him, for the requital of those good bills ; whereas,
“ out of their usual tenderness of his Majesty’s ho-
“ nour, they did not mention him at all ; but so in-
“ jurious, they said, were those wicked counsellors to
“ the name and honour of their Master and Sove-
“ reign, that, as much as they could, they laid their
“ own infamy and guilt upon his shoulders.

“ Here, they observed, God also was called to wit-
“ ness his Majesty’s upright intentions at the passing
“ of those laws ; which, they said, they would ne
“ question,

“ question, neither did they give any occasion for
“ such a solemn affirmation, as that was ; the Devil
“ was likewise defied to prove there was any design,
“ with his Majesty’s knowledge or privity. That
“ might well have been spared ; for they spake no-
“ thing of his Majesty : but since they were so far
“ taxed, as to have it affirmed, that they had laid a
“ false and notorious imputation upon his Majesty,
“ they thought it necessary, for the just defence of
“ their own innocence, to cause the oaths and exami-
“ nations, which had been taken, concerning the
“ design, to be published in a full narration, for
“ satisfaction of all his Majesty’s subjects ; out of
“ which they would now offer some few particulars,
“ by which the world might judge, whether they
“ could proceed with more tenderness towards his
“ Majesty, than they had done. Mr. Goring con-
“ fessed, that the King first asked him, whether he
“ were engaged in any cabal concerning the army ?
“ and commanded him to join with Mr. Percy, and
“ Mr. Jermyn, and some others whom they should
“ find at Mr. Percy’s chamber ; where they took the
“ oath of secrecy, and then debated of a design pro-
“ posed by Mr. Jermyn, to secure the Tower, and to
“ consider of bringing up the army to London : and
“ Captain Leg confessed, he had received the draught
“ of a petition, in the King’s presence ; and his Ma-
“ jesty acknowledgeth, it was from his own hand :
“ and whosoever reads the sum of that petition, as it
“ was proved by the testimony of Sir Jacob Ashley,
“ Sir John Conyers, and Captain Leg, will easily per-
“ ceive some points in it, apt to beget in them some
“ discontents against the Parliament. And could any
“ man believe there was no design in the accusation
“ of

“ of the Lord Kimbolton, and the rest, in which his
“ Majesty doth avow himself to be both a commander
“ and an actor? These things being so, it would ea-
“ sily appear to be as much against the rules of pru-
“ dence, that the penner of that answser should entan-
“ gle his Majesty in that unnecessary apology, as it
“ was against the rules of justice, that any reparation
“ from them should be either yielded, or demanded.

“ It was professed, in his Majesty’s name, that he is
“ truly sensible of the burthens of his people; which
“ made them hope that he would take that course,
“ which would be most effectual to ease them of
“ those burthens; that was, to join with his Parlia-
“ ment in preserving the peace of the kingdom,
“ which, by his absence from them, had been much
“ endangered; and which, by hindering the volun-
“ tary adventures for the recovery of Ireland, and
“ disabling the subjects to discharge the great tax im-
“ posed on them, was like to make the war much more
“ heavy to the kingdom. And for his Majesty’s wants,
“ the Parliament had been no cause of them; they
“ had not diminished his just revenue, but had much
“ eased his public charge, and somewhat his private;
“ and they should be ready, in a parliamentary way,
“ to settle his revenue in such an honourable propor-
“ tion, as might be answerable to both, when he
“ should put himself into such a posture of govern-
“ ment, that his subjects might be secure to enjoy
“ his just protection for their religion, laws, and li-
“ berties.

“ They said, they never refused his Majesty’s gra-
“ cious offer, of a free and general pardon; only they
“ said, it could be no security to their present fears
“ and jealousies: and they gave a reason for it; that
“ thoſe

“ those fears did not arise out of any guilt of their
“ own actions, but out of the evil designs and at-
“ tempts of others ; and they left the world to judge,
“ whether they therein had deserved so heavy a tax
“ and exclamation ? (That it was a strange world,
“ when Princes’ proffered favours were counted re-
“ proaches : such were the words of his Majesty’s an-
“ swer), who did esteem that offer as an act of prince-
“ ly grace and bounty, which, since the Parliament
“ begun, they had humbly desired they might obtain,
“ and did still hold it very necessary and advantage-
“ ous for the generality of the subject, upon whom
“ the taxes and subsidies lie heaviest : but, they said,
“ they saw, upon every occasion, how unhappy they
“ were in his Majesty’s misapprehensions of their
“ words and actions.

“ They said, they were fully of the King’s mind, as
“ it was there declared, that he might rest so secure
“ of the affections of his subjects, that he should not
“ stand in need of foreign force to preserve him from
“ oppression ; and were confident, that he should
“ never want an abundant evidence of the good wishes
“ and assistance of his whole kingdom ; especially if
“ he would be pleased to hold to that gracious reso-
“ lution of building upon that sure foundation, the
“ law of the land : but why his Majesty should take
“ it ill, that they, having received informations so
“ deeply concerning the safety of the kingdom,
“ should think them fit to be considered of, they
“ could not conceive ; for although the name of the
“ person was unknown, yet that which was more sub-
“ stantial to the probability of the report was known,
“ that is, that he was servant to the Lord Digby ;
“ who, in his presumptuous letter to the Queen’s Ma-
“ jesty,

“ jesty, and other letters to Sir Lewis Dives, had intimated some wicked proposition, suitable to that information ; but that this should require reparation, they held it as far from justice, as it was from truth, that they had mixed any malice with those rumours, thereby to feed the fears and jealousies of the people.

“ It was affirmed, that his Majesty was driven from them, but not by them ; yet perchance, they said, hereafter, if there should be opportunity of gaining more credit, there would not be wanting who would suggest unto his Majesty, that it was done by them : and if his Majesty were driven from them, they hoped it was not by his own fears, but by the fears of the Lord Digby, and his retinue of cavaliers ; and those no fears of any tumultuary violence, but of their just punishment for their manifold insolence, and intended violence against the Parliament : and this was expressed by the Lord Digby himself, when he told those cavaliers, that the principal cause of his Majesty’s going out of town, was to save them from being trampled in the dirt : but of his Majesty’s person there was no cause of fear ; in the greatest heat of the people’s indignation, after the accusation, and his Majesty’s violent coming to the House, there was no shew of any evil intention against his regal person ; of which there could be no better evidence than this, that he came the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatenings, or irreverent speeches, that might give him any just occasions of fear, that they had heard of, or that his Majesty expressed ; for he staid near a week after at Whitehall, in a secure and peaceable condition : whereby

“ whereby they were induced to believe, that there
“ was no difficulty, or doubt at all, but his Majesty’s
“ residence near London might be as safe, as in any
“ part of the kingdom. They said, they were most
“ assured of the faithfulness of the city and suburbs ;
“ and for themselves, they should quicken the vigour
“ of the laws, and industry of the magistrate, the
“ authority of Parliament, for the suppressing of all tu-
“ multuary insolence whatsoever, and for the vindi-
“ cating of his honour from all insupportable and in-
“ solent scandals, if any such shall be found to be
“ raised upon him, as were mentioned in that answer :
“ and therefore they thought it altogether unneces-
“ sary, and exceeding inconvenient, to adjourn the
“ Parliament to any other place.

“ Where the desire of a good understanding betwixt
“ the King and Parliament was on both sides so ear-
“ nest, as was there professed by his Majesty to be in
“ him, and they had sufficiently testified to be in
“ themselves, it seemed strange they should be, they
“ said, so long asunder ; it could be nothing else but
“ evil and malicious counsel in misrepresenting their
“ carriage to his Majesty, and in disposing his favour
“ to them. And as it should be far from them to
“ take any advantage of his Majesty’s supposed straits,
“ as to desire, much less to compel him to that, which
“ his honour or interest might render unpleasant, or
“ grievous to him ; so, they hoped, his Majesty would
“ not make his own understanding or reason the rule
“ of his government ; but would suffer himself to be
“ assisted with a wise and prudent council, that might
“ deal faithfully betwixt him and his people : and
“ that he would remember, that his resolutions did
“ concern kingdoms ; and therefore ought not to be

“ moulded by his own, much less by any private persons, which was not alike proportionable to so great a trust : and therefore they still desired and hoped, “ that his Majesty would not be guided by his own understanding, or think those courses, straits and necessities, to which he should be advised by the wisdom of both Houses of Parliament, which are the eyes in the politic body, whereby his Majesty was, by the constitution of the kingdom, to discern the differences of those things, which concern the public peace and safety thereof.

“ They said, they had given his Majesty no cause to say, that they did meanly value the discharge of his public duty ; whatsoever acts of grace or justice had been done, they proceeded from his Majesty by the advice and counsel of his Parliament, yet they had and should always answer them with constant gratitude, and obedience, and affection ; and although many things had been done, since this Parliament, of another nature, yet they should not cease to desire the continued protection of Almighty God upon his Majesty, and most humbly petition him to cast from him all those evil and contrary counsels, which had, in many particulars formerly mentioned, much detracted from the honour of his government, the happiness of his own estate, and prosperity of his people.

“ And having passed so many dangers from abroad, so many conspiracies at home, and brought on the public work so far, through the greatest difficulties that ever stood in opposition to a Parliament, to such a degree of success, that nothing seemed to be left in the way able to hinder the full accomplishment of their desires, and endeavours for the public good,

“ good, unless God in his justice did send a grievous
“ curse upon them, as to turn the strength of the king-
“ dom against itself, and to effect that by their own
“ folly and credulity, which the power and subtlety of
“ their enemies could not attain, that was, to divide
“ the people from the Parliament, and to make them
“ serviceable to the ends and aims of those who would
“ destroy them: therefore they desired the kingdom to
“ take notice of that last most desperate and mischiev-
“ ous plot of the malignant party, that was acted
“ and prosecuted in many parts of the kingdom, un-
“ der plausible notions of stirring them up to a care of
“ preserving the King’s prerogative; maintaining the
“ discipline of the Church; upholding and continu-
“ ing the reverence and solemnity of God’s service;
“ and encouraging of learning: and, upon those
“ grounds, divers mutinous petitions had been framed
“ in London, Kent, and other counties; and sundry
“ of his Majesty’s subjects had been solicited to de-
“ clare themselves for the King against the Parlia-
“ ment; and many false and foul aspersions had been
“ cast upon their proceedings, as if they had been not
“ only negligent, but averse in those points; whereas
“ they desired nothing more, than to maintain the
“ purity and power of religion, and to honour the
“ King in all his just prerogatives; and for encourage-
“ ment and advancement of piety and learning, they
“ had very earnestly endeavoured, and still did, to the
“ utmost of their power, that all parishes might have
“ learned, pious, and sufficient preachers, and all such
“ preachers, competent livings.

“ Many other bills and propositions, they said, were
“ in preparation, for the King’s profit and honour,
“ the people’s safety and prosperity; in the proceedings

" whereof, they were much hindered by his Majesty's
" absence from the Parliament; which was altogether
" contrary to the use of his predecessors, and the pri-
" vilege of Parliament, whereby their time was con-
" sumed by a multitude of unnecessary messages, and
" their innocency wounded by causeless and sharp in-
" vectives; yet they doubted not but they should
" overcome all this at last, if the people suffer not
" themselves to be deluded with false and specious
" shews, and so drawn to betray them to their own
" undoing, who had ever been willing to hazard the
" undoing of themselves, that they might not be
" betrayed, by their neglect of the trust reposed in
" them: but if it were not possible they should pre-
" vail herein, yet they would not fail, through God's
" grace, still to persist in their duties, and to look be-
" yond their own lives, estates, and advantages, as
" those who think nothing worth the enjoying without
" the liberty, peace, and safety of the kingdom; nor
" any thing too good to be hazarded in discharge of
" their consciences, for the obtaining of it: and
" should always repose themselves upon the protec-
" tion of Almighty God, which, they were confident,
" would never be wanting to them, (while they fought
" his glory), as they had found it, hitherto, wonderfully
" going along with them, in all their proceedings."

With this declaration they published the examinations of Mr. Goring, Mr. Percy's letter to the Earl of Northumberland; which were the great evidence they had of the plot of bringing up the army, to awe the Parliament; and several other letters and depositions, or rather such parts of depositions, as contributed most to their purpose. For the truth is, as they never published, so much as to the Houses which were

were to judge, many depositions of witnessses, whose testimonies, in a manner, vindicated the King from those aspersions, which they had a mind should stick upon him, (for many such there were), so of those which they did publish, they left out many parts, which, being added, would either have obscured, or contradicted, or discredited much of that, out of which they made the people believe much to the King's disservice. And yet with all those ill arts and omissions, I presume many, who without passion do now read those depositions, (for they are in all hands to be read), do much marvel how such conclusions could result to His Majesty's disadvantage, out of the worst part of all that evidence ; which could not naturally carry that sense to which it was wrested.

About this time (which I shall mention before the other declaration, because it intervened) there happened an accident that gave them much trouble, and the more, because unlooked for, by the Lord Keeper's quitting them, and resorting to York, by which the King got the possession of his own Great Seal ; which by all parties was, at that time, thought a most considerable advantage. The King was very much unsatisfied with the Lord Keeper Littleton ; who did not appear so useful for his service as he expected, and, from the time of the accusing the members, had lost all his vigour, and, instead of making any oppositions to any of their extravagant debates, he had silently suffered all things to be carried ; and had not only declined the performing the office the King had enjoined him, with reference to the Earls of Essex and Holland, (before mentioned), but very much complied with and courted that party of both Houses, which frequently resorted to him ; and of late in a question, which had

been put in the House of Peers, in the point of the militia, he had given his vote both against the King and the law, to the infinite offence and scandal of all those who adhered to the King.

He was a man of great reputation in the profession of the law; for learning, and all other advantages, which attend the most eminent men; he was of a very good extraction in Shropshire, and inherited a fair fortune, and inheritance from his father; he was a handsome and a proper man, of a very graceful presence, and notorious for courage, which, in his youth, he had manifested with his sword; he had taken great pains in the hardest and most knotty part of the law, as well as that which was more customary; and was not only very ready and expert in the books, but exceedingly versed in records, in studying and examining whereof, he had kept Mr. Selden company, with whom he had great friendship, and who had much assisted him; so that he was looked upon the best antiquary of the profession, who gave himself up to practice; and, upon the mere strength of his own abilities, he had raised himself into the first rank of the practisers in the common law courts, and was chosen Recorder of London before he was called to the Bench, and grew presently into the highest practice in all the other courts, as well as those of the law. When the King looked more narrowly into his business, and found that he should have much to do in Westminster-Hall, he removed an old, useless, illiterate person, who had been put into that office by the favour of the Duke of Buckingham, and made Littleton his Solicitor General, much to his honour, but not to his profit; the obligation of attendance upon that office depriving him of much benefit he used

used to acquire by his practice, before he had that relation. Upon the death of my Lord Coventry, Finch being made Keeper, he was made Chief Justice of the Common Pleas, then the best office of the law, and that which he was wont to say, in his highest ambition, in his own private wishes, he had most desired ; and it was indeed the sphere in which he moved most gracefully, and with most advantage, being a master of all that learning and knowledge, which that place required, and an excellent judge, of great gravity, and above all suspicion of corruption.

Whilst he held this place, he was by the favour of the Archbishop of Canterbury, and the Earl of Strafford, who had a great esteem of him, recommended to the King to be called to the Council Table, where he kept up his good name ; and, upon the Lord Finch's leaving the kingdom, in the beginning of the Parliament, he was thought, in many respects, to be the fittest to be entrusted in that office ; and, upon the desire of the Earl of Strafford, after he was in the Tower, was created a Baron, out of expectation that, by his authority and knowledge of the law, he would have been of great use in restraining those extraordinary and unwarrantable proceedings : but, from the time he had the Great Seal, he seemed to be out of his element, and in some perplexity and irresolution in the Chancery itself, though he had great experience in the practice and proceedings of that court ; and made not that dispatch, that was expected, at the Council Table ; and in the Parliament he did not preserve any dignity ; and appeared so totally dispirited, that few men shewed any respect to him, but they who most opposed the King, who indeed did exceedingly apply themselves to him, and were with

equal kindness received by him. This wonderful alteration in him, his friends believed to have proceeded from a great fickleness, which had seized upon him quickly after he was created a Baron, insomuch as every man believed he would die ; and by this means, he did not attend the House in some months ; and so performed none of those offices toward the Earl of Strafford, the expectation whereof had been the sole motive to that promotion : from that time he never did appear the same man ; but sure there were other causes for it, and he was possessed with some melancholy apprehensions, which he could not master, and had no friend to whom he durst entirely communicate them.

Mr. Hyde, one of those who was most trusted by the King in the House of Commons, and had always had a great respect for the Keeper, was as much troubled at his behaviour, as any man ; and using frequently to go to him, went upon that occasion ; and with great freedom and plainness told him, “ how much he had lost the esteem of all good men, and that the King could not but be exceedingly dissatisfied with him ; ” and discoursed over the matter of that vote. Though he did not know, that the King did at that time put so great a secret trust in Mr. Hyde, yet he knew very well, that the King had a very good opinion of him, and had heard his Majesty often, from the beginning of the Parliament, when the discourse happened to be of the lawyers of the House, take an occasion from thence to mention Mr. Hyde, as a man of whom he heard very well ; which the Keeper had many times taken notice of to him : and then he knew the friendship that was between the Lord Falkland and Mr. Hyde, and had heard the many jealousies

fies which were contracted, upon the great communication he had with the two new counsellors ; and so no doubt believed, that he knew much of the King's mind. So that as soon as he had entered upon this discourse, which he heard with all attention, (they being by themselves in his study at Exeter house), he rose from his chair, and went to the door ; and finding some persons in the next room, he bad them to withdraw ; and locking both the door of that room, and of his study, he sat down himself, and making Mr. Hyde sit down too, he begun “ with giving him many “ thanks for his friendship to him, which, he said, he “ had ever esteemed, and he could not more ma-“ nifest the esteem he had of it and him, than by “ using that freedom again with him, which he meant “ to do. Then he lamented his own condition ; and “ that he had been preferred from the Common Pleas, “ where he knew both the business and the persons “ he had to deal with, to the other high office he “ now held, which obliged him to converse and trans-“ act with another sort of men, who were not known “ to him, and in affairs, which he understood not, and “ had not one friend among them, with whom he “ could confer upon any doubt, which occurred to “ him.”

He spoke then of the unhappy state and condition of the King's business ; how much he had been, and was still, betrayed by persons who were about him ; and with all possible indignation against the proceedings of the Parliament ; and said, “ they would never “ do this, if they were not resolved to do more : that “ he knew the King too well, and observed the car-“ riage of particular men too much, and the whole “ current of public transactions these last five or six
“ months,

" months, not to foresee that it could not be long before there would be a war between the King and the two Houses; and of the importance, in that season, that the Great Seal should be with the King." Then he fell into many expressions of his duty and affection to the King's person, as well as to his high degree: and "that no man should be more ready to perish with and for his Majesty; than he would be; that the prospect he had of this necessity had made him carry himself towards that party with so much compliance, that he might be gracious with them, at least, that they might have no distrust of him; which, he knew, many had endeavoured to infuse into them; and that there had been a consultation within few days, whether, in regard he might be sent for by the King, or that the Seal might be taken from him, it would not be best to appoint the Seal to be kept in some such secure place, as that there might be no danger of losing it; and that the Keeper should always receive it, for the execution of his office; they having no purpose to disoblige him. And the knowledge he had of this consultation, and fear he had of the execution of it, had been the reason, why, in the late debate upon the militia, he had given his vote in such a manner, as he knew, would make very ill impressions with the King, and many others who did not know him very well; but that, if he had not, in that point, submitted to their opinion, the Seal had been taken from him that night; whereas by this compliance in that vote, which could only prejudice himself, and not the King, he had gotten so much into their confidence, that he should be able to serve the Seal in his own hands, till the King required

" quired it ; and then he would be as ready to attend
" his Majesty with it."

Mr. Hyde was very well pleased with this discourse; and asked him, " whether he would give him leave, " when there should be a fit occasion, to assure the " King, that he would perform this service, when the " King should require it ?" He desired, " that he would " do so, and pass his word for the performance of it, " as soon as his Majesty pleased :" and so they parted.

It was within very few days after, that the King, exceedingly displeased and provoked with the Keeper's behaviour, sent an order to the Lord Falkland, " to " require the Seal from him ;" in which the King was very positive, though he was not resolved to what hand to commit it. His Majesty wished them (for he always included the other two in such references) to consider, " whether he should give it to the Lord " Chief Justice Banks," (against whom he made some objection himself), " or into the hands of Mr. Selden ; and to send their opinions to him." The order was positive for requiring it from the present officer, but they knew not who to advise for a successor. The Lord Chief Justice Banks appeared to be as much afraid, as the other ; and not thought equal to that charge, in a time of so much disorder ; though, otherwise, he was a man of great abilities, and unblemished integrity : they did not doubt of Mr. Selden's affection to the King, but withal they knew him so well, that they concluded he would absolutely refuse the place, if it were offered to him. He was in years, and of a tender constitution ; he had for many years enjoyed his ease, which he loved ; was rich ; and would not have made a journey .

journey to York, or have lain out of his own bed, for any preferment ; which he had never affected.

Being all three of one mind, that it would not be fit to offer it to the one or the other; hereupon Mr. Hyde told them the conference he had with the Keeper, and the professions he had made ; and was very confident, that he would very punctually perform it ; and therefore proposed, that “ they might, “ with their opinions of the other persons, likewise “ advise his Majesty to suspend his resolution con-“ cerning the Lord Keeper, and rather to write kindly “ to him, to bring the Seal to his Majesty, instead of “ sending for the Seal itself, and cast him off ; ” and offered to venture his own credit with the King, that the Keeper would comply with his Majesty’s commands. Neither of them were of his opinion ; and had both no esteem of the Keeper, nor believed that he would go to his Majesty, if he were sent for, but that he would find some trick to excuse himself ; and therefore were not willing, that Mr. Hyde should venture his reputation upon it. He desired them then “ to consider how absolutely necessary it was, that the “ King should first resolve into what hand to put the “ Seal, before he removed it ; for that it could not be “ unemployed one hour, but that the whole justice of “ the kingdom would be put out of order, and draw a “ greater and a juster clamour than had been yet : that “ there was as much care to be taken, that it should “ not be in the power of any man to refuse it, which “ would be yet more prejudicial to his Majesty. He “ desired them above all, to weigh well, that the busi-“ ness consisted only in having the Great Seal in the “ place, where his Majesty resolved to be ; and if the
“ Keeper

“ Keeper would keep his promise, and desired to serve
“ the King, it would be unquestionably the best way,
“ that he and the Seal were both there : if, on the
“ other side, he were not an honest man, and cared
“ not for offending the King, he would then refuse to
“ deliver it ; and inform the Lords of it ; who would
“ justify him for his disobedience, and reward and
“ cherish him ; and he must then hereafter serve their
“ turn ; the mischief whereof would be greater than
“ could be easily imagined : and his Majesty’s own
“ Great Seal should be every day used against him,
“ nor would it be possible in many months to procure
“ a new one to be made.”

These objections appeared of weight to them ; and they resolved to give an account of the whole to the King, and to expect his order : and both the Lord Falkland, and Mr. Hyde, writ to his Majesty, and sent their letters away that very night. The King was satisfied with the reasons, and was very glad that Mr. Hyde was so confident of the Keeper ; though, he said, he remained still in doubt ; and resolved, “ that “ he would, such a day of the week] following, send “ for the Keeper, and the Seal ;” and that it should be, as had been advised, upon a Saturday afternoon, as soon as the House of Lords should rise ; because then no notice could be taken of it till Monday. Mr. Hyde, who had continued to see the Keeper frequently, and was confirmed in his confidence of his integrity, went now to him ; and finding him firm to his resolution, and of opinion, in regard of the high proceedings of the Houses, that it should not be long deferred ; he told him, “ that he might expect a messenger the next week, and that he should once more see “ him, when he would tell him the day ; and that he “ would

" would then go himself away before him to York ;" with which he was much pleased, and it was agreed between the three, that it was now time, that he should be gone (the King having sent for him some time before) after a day or two ; in which time the declaration of the nineteenth of May would be passed.

On the Saturday following, between two and three of the clock in the afternoon, Mr. Elliot, a Groom of the Bedchamber to the Prince, came to the Keeper, and found him alone in the room where he used to sit, and delivered him a letter from the King in his own hand ; wherein he required him, with many expressions of kindness and esteem, " to make haste to " him ; and if his indisposition" (for he was often troubled with gravel and sharpness of urine) " would " not suffer him to make such haste upon the journey, " as the occasion required, that he should deliver the " Seal to the person who gave him the letter ; who, " being a strong young man, would make such haste " as was necessary ; and that he might make his own " journey, by those degrees which his health re- " quired." The Keeper was surprised with the messenger, whom he did not like ; and more when he found that he knew the contents of the letter, which, he hoped, would not have been communicated to any man, who should be sent : he answered him with much reservation ; and when the other with bluntness, as he was no polite man, demanded the Seal of him, which he had not thought of putting out of his own hands ; he answered him, " that he would not de- " liver it into any hands, but the King's :" but presently recollecting himself, and looking over his letter again, he quickly considered, that it would be hazardous to carry the Seal himself such a journey ; and that if

if by any pursuit of him, which he could not but suspect, he should be seized upon, the King would be very unhappily disappointed of the Seal, which he had reason so much to depend upon ; and that his misfortune would be wholly imputed to his own fault and infidelity, (which, without doubt, he abhorred with his heart) ; and the only way to prevent that mischief, or to appear innocent under it, was to deliver the Seal to the person trusted by the King himself to receive it ; and so, without telling him any thing of his own purpose, he delivered the Seal into his hands ; who forthwith put himself on his horse, and with wonderful expedition presented the Great Seal into his Majesty's own hands, who was infinitely pleased with it, and with the messenger.

The Keeper, that evening, pretended to be indisposed, and that he would take his rest early, and therefore that nobody should be admitted to speak with him : and then he called Serjeant Lee to him, who was the Serjeant who waited upon the Seal, and in whom he had great confidence, as he well might ; and told him freely, “ that he was resolved, the next “ morning, to go to the King, who had sent for him ; “ that he knew well how much malice he should con-“ tract by it from the Parliament, which would use “ all the means they could to apprehend him ; and “ he himself knew not how he should perform the “ journey, therefore he put himself entirely into his “ hands ; that he should cause his horses to be ready “ against the next morning, and only his own groom “ to attend them, and he to guide the best way, and “ that he would not impart it to any other person.” The honest Serjeant was very glad of the resolution, and cheerfully undertook all things for the journey ; and

and so sending the horses out of the town, the Keeper put himself in his coach very early the next morning, and as soon as they were out of the town, he and the Serjeant, and one groom, took their horses, and made so great a journey that day, it being about the beginning of June, that before the end of the third day he kissed the King's hand at York.

He had purposely procured the House of Peers to be adjourned to a later hour in the morning for Monday, than it used to be. Sunday passed without any man's taking notice of the Keeper's being absent; and many, who knew that he was not at his house, thought he had been gone to Cranford, to his country house, whither he frequently went on Saturday nights, and was early enough at the Parliament on Monday mornings; and so the Lords the more willingly consented to the later adjournments for those days. But on Monday morning, when it was known when, and in what manner, he had left his house, the confusion in both Houses was very great; and they who had thought that their interest was so great in him, that they knew all his thoughts, and had valued themselves, and were valued by others, upon that account, hung down their heads, and were even distressed with shame: however they could not but conclude, that he was out of their reach before the Lords met; yet to shew their indignation against him, and it may be in hope that his infirmities would detain him long in the journey, (as nobody indeed thought that he could have performed it with that expedition), they issued out such a warrant for the apprehending him, as had been in the case of the foulest felon or murderer; and printed it, and caused it to be dispersed, by expresses, over all the kingdom, with great haste. All which circum-

circumstances, both before and after the Keeper's journey to York, are the more particularly and at large set down, out of justice to the memory of that noble person ; whose honour suffered then much in the opinion of many, by the confident report of the person, who was sent for and received the Seal, and who was a loud and bold talker, and desired to have it believed, that his manhood had ravished the Great Seal from the Keeper, even in spite of his teeth ; which, how impossible soever in itself, found too much credit ; and is therefore cleared by this very true and punctual relation, which in truth is but due to him.

But the trouble and distraction, which at this time possessed them, was visibly very great ; and their dejection such, that the same day the Earl of Northumberland (who had been of another temper) moved, "that a committee might be appointed, to consider "how there might be an accommodation between the "King and his people, for the good, happiness, and "safety of both King and kingdom ;" which committee was appointed accordingly.

This temper of accommodation troubled them not long, new warmth and vigour being quickly infused into them by the unbroken and undaunted spirits of the House of Commons ; which, to shew how little they valued the power or authority of the King, though supported by having now his Great Seal by him, on the twenty-sixth of May agreed on a new remonstrance to the people ; in which, the Lords concurring, they informed them,

" That although the great affairs of the kingdom, The two Houses'
" and the miserable bleeding condition of the king-
" dom of Ireland, afforded them little leisure to spend
" their time in declarations, and in answers, and re-Remon-
strance,
May 26,
1642.

“ plies, yet the malignant party about his Majesty
“ taking all occasions to multiply calumnies upon the
“ Houses of Parliament, and to publish sharp invec-
“ tives, under his Majesty’s name, against them, and
“ their proceedings, (a new engine they had invented
“ to heighten the distractions of this kingdom, and
“ to beget and increase distrust and disaffection be-
“ tween the King, and his Parliament, and the peo-
“ ple), they could not be so much wanting to their
“ own innocence, or to the duty of their trust, as not
“ to clear themselves from those false aspersions, and
“ (which was their chiefest care) to disabuse the peo-
“ ple’s minds, and open their eyes, that under the
“ false shews, and pretexts of the law of the land, and
“ of their own rights and liberties, they may not be
“ carried into the road way, that leadeth to the utter
“ ruin and subversion thereof. A late occasion that
“ those wicked spirits of division had taken to defame,
“ and indeed to arraign the proceedings of both
“ Houses of Parliament, had been from their votes of
“ the twenty-eighth of April, and their declaration
“ concerning the business of Hull, which because
“ they put forth, before they could send their answer
“ concerning that matter unto his Majesty, those mis-
“ chievous instruments of dissension, between the
“ King, and the Parliament, and the people, whose
“ chief labour and study was to misrepresent their
“ actions to his Majesty, and to the kingdom, would
“ needs interpret this as an appeal to the people, and
“ a declining of all intercourse between his Majesty
“ and them ; as if they thought it to no purpose, to
“ endeavour any more to give his Majesty satisfac-
“ tion ; and, without expecting any longer their an-
“ swer, under the name of a message from his Majesty
“ to

“ to both Houses, they themselves had indeed made
“ an appcal to the people, as the message itself did in
“ a manner grant it to be, offering to join issue with
“ them in that way, and in the nature thereof did
“ clearly shew itself to be no other ; therefore they
“ would likewise address their answcer to the kingdom,
“ not by way of appeal, (as they were charged), but
“ to prevent them from being their own executioners,
“ and from being persuaded under false colours of de-
“ fending the law, and their own liberties, to destroy
“ both with their own hands, by taking their lives, li-
“ berties, and estates out of their hands, whom they
“ had chosen, and entrusted therewith, and resigning
“ them up unto some evil counsellors, about his Ma-
“ jesty, who could lay no other foundation of their
“ own greatness, but upon the ruin of this, and, in it,
“ of all Parliaments ; and, in them, of the true reli-
“ gion, and the freedom of this nation. And these,
“ they said, were the men that would persuade the
“ people, that both Houses of Parliament, containing
“ all the Peers, and representing all the Commons of
“ England, would destroy the laws of the land, and
“ liberties of the people ; wherein, besides the trust
“ of the whole, they themselves, in their own particu-
“ lars, had so great an interest of honour and estate,
“ that they hoped it would gain little credit with any,
“ that had the least use of reason, that such, as must
“ have so great a share in the misery, shoud take so
“ much pains in the procuring thereof ; and spend so
“ much time, and run so many hazards to make
“ themselves slaves, and to destroy the property of
“ their estates. But that they might give particular
“ satisfaction to the several imputations cast upon

“ them, they would take them in order, as they were
“ laid upon them in that message.

“ First, they were charged for the avowing that
“ act of Sir John Hotham; which was termed unpa-
“ ralleled, and an high and unheard of affront unto
“ his Majesty, and as if they needed not to have done
“ it; he being able, as was alleged, to produce no
“ such command of the Houses of Parliament. They
“ said, although Sir John Hotham had not an order,
“ that did express every circumstance of that case,
“ yet he might have produced an order of both
“ Houses, which did comprehend this case, not only
“ in the clear intention, but in the very words there-
“ of; which they knowing in their consciences to be
“ so, and to be most necessary for the safety of the
“ kingdom, they could not but in honour and justice
“ avow that act of his; which, they were confident,
“ would appear to all the world to be so far from be-
“ ing an affront to the King, that it would be found
“ to have been an act of great loyalty to his Majesty,
“ and to his kingdom.

“ The next charge upon them was, that, instead of
“ giving his Majesty satisfaction, they published a de-
“ clarion concerning that business, as an appeal to
“ the people, and as if their intercourse with his Ma-
“ jesty, and for his satisfaction, were now to no more
“ purpose; which course was alleged to be very un-
“ agreeable to the modesty and duty of former times,
“ and not warrantable by any precedents, but what
“ themselves had made. They said, if the penner of
“ that message had expected awhile, or had not ex-
“ pected that two Houses of Parliament (especially
“ burthened, as they were at that time, with so many
“ pressing

“ pressing and urgent affairs) should have moved as
“ fast as himself, he would not have said, that decla-
“ ration was instead of an answer to his Majesty ;
“ which they did dispatch with all the speed and dili-
“ gence they could, and had sent it to his Majesty by
“ a committee of both Houses ; whereby it appeared,
“ that they did it not upon that ground, that they
“ thought it was no more to any purpose, to endea-
“ vor to give his Majesty satisfaction.

“ And as for the duty and modesty of former times,
“ from which they were said to have varied, and to
“ want the warrant of any precedents therein, but
“ what themselves had made : if they had made any
“ precedents this Parliament, they had made them
“ for posterity, upon the same, or better grounds of
“ reason and law, than those were upon, which their
“ predecessors first made for them : and as some pre-
“ cedents ought not to be rules for them to follow, so
“ none could be limits to bound their proceedings ;
“ which might and must vary, according to the dif-
“ ferent condition of times. And for that particular,
“ of setting forth declarations for the satisfaction of
“ the people, who had chosen, and entrusted them
“ with all that was dearest to them : if there were no
“ example for it, it was because there were never any
“ monsters before, that ever attempted to disaffect the
“ people from a Parliament, or could ever harbour a
“ thought that it might be effected. Were there ever
“ such practices to poison the people with an ill ap-
“ prehension of the Parliament ? Were there ever
“ such imputations and scandals laid upon the pro-
“ ceedings of both Houses ? Were there ever so
“ many and so great breaches of privilege of Parlia-
“ ment ? Were there ever so many and so desperate

“ designs of force and violence against the Parliament, and the members thereof ? If they had done more than ever their ancestors had done, they said, “ they had suffered more than ever they had suffered ; “ and yet, in point of modesty and duty, they would “ not yield to the best of former times ; and they “ would put that in issue, whether the highest and “ most unwarrantable precedents of any of his Majesty’s predecessors did not fall short, and much below, what had been done to them this Parliament ? “ And, on the other side, whether, if they should “ make the highest precedents of other Parliaments “ their patterns, there would be cause to complain of “ want of modesty and duty in them ; when they “ had not so much as suffered such things to enter “ into their thoughts, which all the world knew they “ put in act ?

“ Another charge which was laid very high upon them, and which were indeed a very great crime if they were found guilty thereof, was, that, by avowing that act of Sir John Hotham, they did, in consequence, confound and destroy the title and interest of all his Majesty’s good subjects to their lands “ and goods ; and that upon this ground ; that his Majesty had the same title to his town of Hull, “ which any of his subjects had to their houses or “ lands, and the same to his magazine and munition “ there, that any man had to his money, plate, or “ jewels : and, therefore, that they ought not to have “ been disposed of, without or against his consent, no “ more than the house, land, money, plate, or jewels, “ of any subject ought to be, without or against his will.

“ Here, they said, that was laid down for a principle,

“ ple, which would indeed pull up the very founda-
“ tion of the liberty, property, and interest of every
“ subject in particular, and of all the subjects in ge-
“ neral, if they should admit it for a truth, that
“ his Majesty had the same right and title to his
“ towns, and to his magazines, (bought with the pub-
“ lic moneys, as they conceived that at Hull to have
“ been), that every particular man hath to his house,
“ lands, and goods. For his Majesty’s towns were no
“ more his own, than his kingdom was his own ; and
“ his kingdom was no more his own, than his people
“ are his own ; and if the King had a property in all
“ his towns, what would become of the subjects’ pro-
“ priety in their houses therein ? and if he had a pro-
“ priety in his kingdom, what would become of the
“ subjects’ property in their lands throughout the
“ kingdom ? or of their liberties, if his Majesty had
“ the same right in their persons, that every subject
“ hath in his lands and goods ? and what would be-
“ come of all the subjects’ interests in the towns and
“ forts of the kingdom, and in the kingdom itself, if
“ his Majesty might sell, or give them away, or dis-
“ pose of them at his pleasure, as a particular man
“ might do with his lands, and with his goods ? This
“ erroneous maxim being infused into Princes, that
“ their kingdoms are their own, and that they may
“ do with them what they will, as if their kingdoms
“ were for them, and not they for their kingdoms,
“ was, they said, the root of all the subjects’ misery,
“ and of the invading of their just rights and liber-
“ ties ; whereas, indeed, they are only entrusted with
“ their kingdoms, and with their towns, and with
“ their people, and with the public treasure of the
“ commonwealth, and whatsoever is bought therewith ;

“ and, by the known law of this kingdom, the very jewels
“ of the crown are not the King’s proper goods, but
“ are only entrusted to him for the use and ornament
“ thereof: as the towns, forts, treasure, magazines,
“ offices, and the people of the kingdom, and the
“ whole kingdom itself is entrusted unto him, for the
“ good, and safety, and best advantage thereof: and
“ as this trust is for the use of the kingdom, so ought
“ it to be managed by the advice of the Houses of
“ Parliament, whom the kingdom hath trusted for
“ that purpose; it being their duty to see it dis-
“ charged according to the condition and true intent
“ thereof; and as much as in them lies, by all possi-
“ ble means, to prevent the contrary; which, if it had
“ been their chief care, and only aim, in the dispos-
“ ing of the town and magazine of Hull in such
“ manner as they had done, they hoped it would ap-
“ pear clearly to all the world, that they had dis-
“ charged their own trust, and not invaded that of
“ his Majesty, much less his property; which, in that
“ case, they could not do.

“ But admitting his Majesty had indeed a property in
“ the town and magazine of Hull; who doubted but that
“ a Parliament may dispose of any thing, wherein his
“ Majesty, or any subject, hath a right, in such a way,
“ as that the kingdom may not be exposed to hazard
“ or danger thereby? which was their case, in the
“ disposing of the town and magazine of Hull. And
“ whereas his Majesty did allow this, and a greater
“ power to a Parliament, but in that sense only, as he
“ himself was a part thereof; they appealed to every
“ man’s conscience, that had observed their proceed-
“ ings, whether they disjoined his Majesty from his
“ Parliament, who had in all humble ways sought his
“ concur-

“ concurrence with them, as in that particular about
“ Hull, and for the removal of the magazine there,
“ so also in all other things ; or whether those evil
“ councils about him had not separated him from his
“ Parliament ; not only in distance of place, but also
“ in the discharge of the joint trust with them, for the
“ peace and safety of the kingdom in that, and some
“ other particulars.

“ They had given no occasion to his Majesty, they
“ said, to declare with so much earnestness his resolu-
“ tion, that he would not suffer either, or both
“ Houses by their votes, without or against his con-
“ sent, to enjoin any thing that was forbidden by the
“ law, or to forbid any thing that was enjoined by the
“ law ; for their votes had done no such thing : and as
“ they should be very tender of the law, (which they
“ did acknowledge to be the safeguard and custody
“ of all public and private interests), so they would
“ never allow a few private persons about the King,
“ nor his Majesty himself in his own person, and out
“ of his courts, to be judge of the law, and that con-
“ trary to the judgment of the highest court of judi-
“ cature. In like manner, that his Majesty had not
“ refused to consent to any thing, that might be for the
“ peace and happiness of the kingdom, they could
“ not admit it in any other sense, but as his Majesty
“ taketh the measure of what will be for the peace
“ and happiness of his kingdom, from some few ill
“ affected persons about him, contrary to the advice
“ and judgment of his great council of Parliament.
“ And because the advice of both Houses of Parlia-
“ ment had, through the suggestion of evil counse-
“ lors, been so much undervalued of late, and so ab-
“ solutely

“ solutely rejected and refused, they said, they held
 “ it fit to declare unto the kingdom, whose honour
 “ and interest was so much concerned in it, what was
 “ the privilege of the great council of Parliament
 “ herein; and what was the obligation that lay upon
 “ the Kings of this realm, to pass such bills, as are
 “ offered to them by both Houses of Parliament, in
 “ the name, and for the good, of the whole kingdom,
 “ whereunto they stand engaged, both in conscience
 “ and justice, to give their royal assent: in consci-
 “ ence, in regard of the oath, that is, or ought to be
 “ taken by the Kings of this realm at their corona-
 “ tion, as well to confirm by their royal assent such
 “ good laws, as the people shall choose, and to re-
 “ medy by law such inconveniences, as the kingdom
 “ may suffer; as to keep and protect the laws already
 “ in being; as may appear both by the form of the
 “ oath upon record, and in books of good authority,
 “ and by the statute of the 25 of Edward III. entitled,
 “ the Statute of Provisors of Benefices; the form of
 “ which oath, and the clause of the statute that con-
 “ cerneth it, are as followeth:

Rot. Parliament. H. IV. N. 17.

*Forma juramenti soliti, et consueti praestari per Reges
Angliae in eorum Coronatione.*

Servabis Ecclesiæ Dei, Cleroque, et Populo, pacem
ex integro, et concordiam in Deo, secundum vires
tuas?

Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis æquam, et rec-
tam

tam iustitiam, et discretionem in misericordia et veritate, secundum vires tuas ?

Respondebit, Faciam.

Concedis justas leges, et consuetudines esse tenendas ; et promittis per te eas esse protegendas, et ad honorem Dei corroborandas, quas vulgus elegerit, secundum vires tuas ?

Respondebit, Concedo et promitto.

Adjicianturque prædictis interrogationibus quæ iusta fuerint, prænunciatisque omnibus, confirmet Rex se omnia servaturum, sacramento super Altare præstito, coram cunctis.

A Clause in the preamble of a Statute made the 25 Edw. III. entitled, the Statute of Provisors of Benefices.

Whereupon the said Commons have prayed our said Lord the King, that sith the right of the Crown of England, and the law of the said realm is such, that upon the mischiefs and damages, which happen to this realm, he ought, and is bound by his oath, with the accord of his people in his Parliament, thereof to make remedy and law, and in removing the mischiefs and damages which thereof ensue, that it may please him thereupon to ordain remedy.

Our Lord the King seeing the mischiefs and damages before mentioned, and having regard to the statute made in the time of his said grandfather, and to the causes contained in the same, which statute holdeth always his force, and was never defeated, repealed, or annulled in any point, and by so much he is bound by his oath to cause the same to be kept as the

the law of his realm, though that, by sufferance and negligence, it hath been sithence attempted to the contrary : also having regard to the grievous complaints made to him by his people, in divers his Parliaments holden heretofore, willing to ordain remedy for the great damages and mischiefs, which have happened, and daily do happen, to the Church of England by the said cause :

“ Here, they said, the Lords and Commons claim
“ it directly as the right of the Crown of England,
“ and of the law of the land, and that the King is
“ bound by his oath, with the accord of his people in
“ Parliament, to make remedy, and law, upon the
“ mischiefs and damages, which happen to this realm;
“ and the King doth not deny it, although he take
“ occasion from a statute formerly made by his grand-
“ father, which was laid as part of the grounds of this
“ petition, to fix his answer upon another branch of
“ his oath, and pretermits that which is claimed by
“ the Lords and Commons ; which he would not have
“ done, if it might have been excepted against.

“ In justice, they said, they are obliged thereunto,
“ in respect of the trust reposed in them ; which is as
“ well to preserve the kingdom by the making new
“ laws, where there shall be need, as by observing of
“ laws already made ; a kingdom being, many times, as
“ much exposed to ruin for the want of a new law, as by
“ the violation of those that are in being : and this is so
“ clear a right, that, no doubt, his Majesty would ac-
“ knowledge it to be as due to his people, as his pro-
“ tection. But how far forth he was obliged to fol-
“ low the judgment of his Parliament therein, that is
“ the question. And certainly, besides the words in
“ the

" the King's oath, referring unto such laws as the
" people shall choose, as in such things which con-
" cern the public weal and good of the kingdom;
" they are the most proper judges, who are sent
" from the whole kingdom for that very purpose; so
" they did not find, that since laws have passed by
" way of bills, (which are read thrice in both Houses,
" and committed; and every part and circumstance of
" them fully weighed, and debated upon the com-
" mitment, and afterwards passed in both Houses),
" that ever the Kings of this realm did deny them,
" otherwise than is expressed in that usual answer,
" *Le Roy s'avisera*; which signifies rather a suspension,
" than a refusal of the royal assent. And in those
" other laws, which are framed by way of petitions of
" right, the Houses of Parliament have taken them-
" selves to be so far judges of the right claimed by
" them, that when the King's answer hath not, in
" every point, been fully according to their desires,
" they have still insisted upon their claim, and never
" rested satisfied, till such time as they had an answer
" according to their demand; as had been done in
" the late Petition of Right, and in former times upon
" the like occasion. And if the Parliament be judge
" between the King and his people in the question
" of right, (as by the manner in the claim in petitions
" of right, and by judgments in Parliament, in cases
" of illegal impositions and taxes, and the like, it ap-
" pears to be), why should they not be so also, in the
" question of the common good, and necessity of the
" kingdom; wherein the kingdom hath as clear a
" right also to have the benefit and remedy of law,
" as in any thing whatsoever? And yet they did not
" deny, but that in private bills, and also in public
" acts

“ acts of grace, as pardons, and the like grants of fa-
“ vour, his Majesty might have a greater latitude of
“ granting, or denying, as he should think fit.

“ All this considered, they said, they could not but
“ wonder, that the contriver of that message should
“ conceive, the people of this land to be so void of
“ common sense, as to enter into so deep a mistrust of
“ those, whom they have, and his Majesty ought to re-
“ pose so great a trust in, as to despair of any security
“ in their private estates, by descents, purchases, as-
“ surances, or conveyances; unless his Majesty should,
“ by his vote, prevent the prejudice, they might re-
“ ceive therein by the votes of both Houses of Par-
“ liament; as if they, who are especially chosen, and
“ entrusted for that purpose, and who themselves
“ must needs have so great a share in all grievances of
“ the subject, had wholly cast off all care of the subject’s
“ good, and his Majesty had solely taken it up; and
“ as if it could be imagined, that they should, by
“ their votes, overthrow the rights of descents, pur-
“ chases, or of any conveyance or assurance, in whose
“ judgment the whole kingdom hath placed all their
“ particular interests, if any of them should be called
“ in question, in any of those cases; and that (as not
“ knowing where to place them, with greater security)
“ without any appeal from them to any other person
“ or court whatsoever.

“ But indeed they were very much to seek, how
“ the case of Hull could concern descents and pur-
“ chases, or conveyances and assurances; unless it
“ were in procuring more security to men in their
“ private interests, by the preservation of the whole
“ from confusion and destruction; and much less did
“ they understand, how the sovereign power was re-
“ fisted,

“ listed, and despised therein. Certainly no command
“ from his Majesty, and his high court of Parlia-
“ ment, (where the sovereign power resides), was dis-
“ obeyed by Sir John Hotham ; nor yet was his Ma-
“ jesty’s authority derived out of any other court, nor
“ by any legal commission, or by any other way,
“ wherein the law had appointed his Majesty’s com-
“ mands to be derived to his subjects ; and of what
“ validity his verbal commands are, without any such
“ stamp of his authority upon them, and against the
“ order of both Houses of Parliament, and whether
“ the not submitting thereunto be a resisting and de-
“ spising of the sovereign authority, they would leave
“ to all men to judge, that do at all understand the
“ government of this kingdom.

“ They acknowledged that his Majesty had made
“ many expressions of zeal, and intentions against the
“ desperate designs of the Papists ; but yet it was also
“ as true, that the counsels, which had prevailed of
“ late with him, had been little suitable to those ex-
“ pressions and intentions. For what did more ad-
“ vance the open and bloody design of the Papists in
“ Ireland, (whereon the secret plots of the Papists here
“ did, in all likelihood, depend), than his Majesty’s
“ absenting himself, in that manner that he did, from
“ his Parliament ; and setting forth such sharp invec-
“ tives against them, notwithstanding all the humble
“ petitions, and other means, which his Parliament
“ had addressed unto him, for his return, and for his
“ satisfaction concerning their proceedings ? And what
“ was more likely to give a rise to the designs of the
“ Papists, (whereof there were so many in the north,
“ near to the town of Hull), and of other malignant
“ and ill affected persons, (which were ready to join
“ with

“ with them), or to the attempts of foreigners from
“ abroad, than the continuing of that great magazine
“ at Hull, at this time, and contrary to the desire,
“ and advice of both Houses of Parliament ? So that
“ they had too much cause to believe, that the Pa-
“ pists had still some way and means, whereby they
“ had influence upon his Majesty’s counsels for their
“ own advantage.

“ For the malignant party, they said, his Majesty
“ needed not a definition of the law, nor yet a more
“ full character of them from both Houses of Parlia-
“ ment, for to find them out, if he would please only
“ to apply the character, that himself had made of
“ them, to those, unto whom it doth properly and
“ truly belong. Who are so much disaffected to the
“ peace of the kingdom, as they that endeavour to
“ disaffection his Majesty from the Houses of Parlia-
“ ment, and persuade him to be at such a distance
“ from them, both in place and affection ? Who are
“ more disaffected to the government of the king-
“ dom, than such as lead his Majesty away from
“ hearkening to his Parliament ; which, by the con-
“ stitution of the kingdom, is his greatest and best
“ council ; and persuade him to follow the malicious
“ counsels of some private men, in opposing and con-
“ tradiciting the wholesome advices and just proceed-
“ ings of that his most faithful council, and highest
“ court ? Who are they, that not only neglect and
“ despise, but labour to undermine the law, under co-
“ lour of maintaining it, but they that endeavour to
“ destroy the fountain and conservatory of the law,
“ which is the Parliament ? And who are they that
“ set up other rules for themselves to walk by, than such
“ as were according to law, but they that will make
“ other

“ other judges of the law than the law hath appointed ;
“ ~~and so~~ dispense with their obedience to that, which
“ the law calleth authority, and to their determina-
“ tions and resolutions, to whom the judgment doth
“ appertain by law ? For, when private persons shall
“ make the law to be their rule according to their
“ own understanding, contrary to the judgment of
“ those that are the competent judges thereof, they
“ set up unto themselves other rules than the law doth
“ acknowledge. Who those persons were, none knew
“ better than his Majesty himself : and if he would
“ please to take all possible caution of them, as de-
“ structive to the commonwealth and himself, and
“ would remove them from about him, it would be
“ the most effectual means to compose all the distrac-
“ tions, and to cure the distempers of the kingdom.

“ For the Lord Digby’s letter, they said, they did
“ not make mention of it as a ground to hinder his
“ Majesty from visiting his own fort ; but they ap-
“ pealed to the judgment of any indifferent man, that
“ should read that letter, and compare it with the pos-
“ ture that his Majesty then did, and still doth, stand
“ in towards the Parliament, and with the circum-
“ stances of that late action of his Majesty’s going to
“ Hull, whether the advisers of that journey intended
“ only a visit of that fort and magazine ? ”

“ As to the ways and overtures of accommodation,
“ and the message of the twentieth of January last, so
“ often press’d, but still in vain, as was alleged : their
“ answer was, that although so often as that message
“ of the twentieth of January had been press’d, so
“ often had their privileges been clearly infringed,
“ that a way and method of proceedings should be
“ prescribed to them, as well for the settling of his

“ Majesty’s revenue, as for the presenting of their
“ own desires, (a thing, which, in former Parliaments,
“ had always been excepted against, as a breach of
“ privilege), yet, in respect to the matter contained
“ in that message, and out of their earnest desire to
“ beget a good understanding between his Majesty
“ and them, they swallowed down all matters of cir-
“ cumstance ; and had ere that time presented the chief
“ of their desires to his Majesty, had they not been
“ interrupted with continual denials, even of those
“ things that were necessary for their present security
“ and subsistence ; and had not those denials been
“ followed with perpetual invectives against them,
“ and their proceedings ; and had not those invec-
“ tives been heaped upon them so thick one after an-
“ other, (who were in a manner already taken up
“ wholly with the pressing affairs of this kingdom,
“ and of the kingdom of Ireland), that as they had lit-
“ tle encouragement from thence, to hope for any
“ good answers to their desires, so they had not so
“ much time left them to perfect them in such a
“ manner, as to offer them to his Majesty.

“ They confessed it to be a resolution most worthy
“ of a Prince, and of his Majesty, to shut his ears
“ against any that would incline him to a civil war ;
“ and to abhor the very apprehension of it. But they
“ could not believe that mind to have been in them,
“ that came with his Majesty to the House of Com-
“ mons ; or in them, that accompanied his Majesty to
“ Hampton-Court, and appeared in a warlike manner
“ at Kingston upon Thames ; or in divers of them,
“ who followed his Majesty lately to Hull ; or in
“ them, who after drew their swords in York, de-
“ manding, *Who would be for the King ?* nor in them,
“ that

“ that advised his Majesty to declare Sir John Hotham traitor, before the message was sent concerning that business to the Parliament, or to make propositions to the gentlemen of the county of York to assist his Majesty to proceed against him in a way of force, before he had, or possibly could receive an answer from the Parliament, to whom he had sent to demand justice of them against Sir John Hotham for that fact: and if those malignant spirits should ever force them to defend their religion, the kingdom, the privileges of Parliament, and the rights and liberties of the subjects, with their swords; the blood, and destruction that should ensue thereupon, must be wholly cast upon their account; God and their own consciences told them, that they were clear; and they doubted not, but God and the whole world would clear them therein.

“ For Captain Leg, they had not said that he was accused, or that there was any charge against him, for the bringing up of the army; but that he was employed in that business. And for that concerning the Earl of Newcastle, mentioned by his Majesty, which was said to have been asked long since, and that it was not easy to be answered: they conceived it was a question of more difficulty, and harder to be answered, why, when his Majesty held it necessary, upon the same grounds that first moved from the Houses of Parliament, that a governor should be placed in that town, Sir John Hotham, a gentleman of known fortune and integrity, and a person of whom both Houses of Parliament had expressed their confidence, should be refused by his Majesty; and the Earl of Newcastle (who, by the way, was so far named in the business of bringing up the army,

“ that although there was not ground enough for a
“ judicial proceeding, yet there was ground of sus-
“ picion ; at least his reputation was not left so un-
“ blemished thereby, as that he should be thought the
“ fittest man in England for that employment of
“ Hull) should be sent down, in a private way, from
“ his Majesty to take upon him that government ?
“ And why he should disguise himself under another
“ name, when he came thither, as he did ? But who-
“ soever should consider, together with those circum-
“ stances, that of the time when Sir John Hotham
“ was appointed, by both Houses of Parliament, to
“ take upon him that employment, which was pre-
“ fently after his Majesty’s coming to the House of
“ Commons, and upon the retiring himself to Hamp-
“ ton-Court, and the Lord Digby’s assembling of Ca-
“ valiers at Kingston upon Thames, would find reason
“ enough, why that town of Hull should be committed
“ rather to Sir John Hotham, by the authority of both
“ Houses of Parliament, than to the Earl of Newcastle,
“ sent from his Majesty in that manner that he was.
“ And for the power that Sir John Hotham had from the
“ two Houses of Parliament, the better it was known
“ and understood, they were confident the more it
“ would be approved and justified : and as they did
“ not conceive, that his Majesty’s refusal to have that
“ magazine removed could give any advantage against
“ him to have it taken from him ; and as no such
“ thing was done, so they could not conceive, for
“ what other reason any should counsel his Majesty,
“ not to suffer it to be removed, upon the desire of
“ both Houses of Parliament ; except it were, that
“ they had an intention to make use of it against
“ them.

“ They

“ They said, they did not except against those that
presented a petition to his Majesty at York, for the
continuance of the magazine at Hull, in respect of
their condition, or in respect of their number; be-
cause they were mean persons, or because they were
few; but because they being but a few, and there
being so many more in the county of as good qua-
lity as themselves, (who had, by their petition to
his Majesty, disavowed that act of theirs), that they
should take upon them the style of all the gentry,
and inhabitants of that county; and, under that
title, should presume to interpose their advice con-
trary to the votes of both Houses of Parliament:
and, if it could be made to appear, that any of those
petitions, that are said to have been presented to the
Houses of Parliament, and to have been of a strange
nature, were of such a nature as that, they were
confident, that they were never received with their
consent and approbation.

“ Whether there was an intention to deprive Sir
John Hotham of his life, if his Majesty had been
admitted into Hull; and whether the information
were such, as that he had ground to believe it, they
would not bring into question; for that was not,
nor ought to have been, the ground for doing what
he did: neither was the number of his Majesty’s at-
tendants, for being more or fewer, much consider-
able in this case; for although it were true, that if
his Majesty had entered with twenty horse only, he
might happily have found means for to have forced
the entrance of the rest of his train; who, being
once in the town, would not have been long without
arms; yet that was not the ground, upon which Sir
John Hotham was to proceed; but upon the ad-

“ mittance of the King into the town at all, so as to
“ deliver up the town and magazine unto him, and to
“ whomsoever he should give the command thereof,
“ without the knowledge and consent of both Houses
“ of Parliament, by whom he was entrusted to the
“ contrary : and his Majesty having declared that to
“ be his intention concerning the town, in a message
“ that he sent to the Parliament, not long before he
“ went to Hull ; saying, that he did not doubt, but
“ that town should be delivered up to him, when-
“ soever he pleased, as supposing it to be kept against
“ him ; and in like manner concerning his magazine,
“ in his message of the twenty-fourth of April, where-
“ in it is expressed, that his Majesty went thither,
“ with a purpose to take into his hands the magazine,
“ and to dispose of it in such manner, as he should
“ think fit : upon those terms, Sir John Hotham could
“ not have admitted his Majesty, and have made good
“ his trust to the Parliament, though his Majesty
“ would have entered alone, without any attendants at
“ all of his own, or of the Prince or Duke, his sons ;
“ which they did not wish to be less than they were
“ in their number, but could heartily wish that they
“ were generally better in their condition.

“ In the close of that message, his Majesty stated
“ the case of Hull ; and thereupon inferred, that the
“ act of Sir John Hotham was levying war against the
“ King ; and, consequently, that it was no less than
“ high treason, by the letter of the statute of the 25
“ Edw. III. ch. 2. unless the sense of that statute were
“ very far differing from the letter thereof.

“ In the stating of that case, they said, divers parti-
“ culars might be observed, wherein it was not rightly
“ stated : as,

1. " That his Majesty's going to Hull, was only an
" endeavour to visit a town and fort of his : whereas
~~it was~~ indeed to possess himself of the town and ma-
" gazine there, and to dispose of them, as he himself
" should think good, without, and contrary to the ad-
" vice and orders of both Houses of Parliament ; as
" did clearly appear by his Majesty's own declaration
" of his intentions therein, by his messages to both
" Houses, immediately before, and after that journey.
" Nor could they believe, that any man, who should
" consider the circumstances of that journey to Hull,
" could think, that his Majesty would have gone thither
" at that time, and in that posture, that he was
" pleased to put himself in towards the Parliament, if
" he had intended only a visit of the town and maga-
" zine.

2. " It was said to be his Majesty's own town, and
" his own magazine, which being understood in that
" sense, as was before expressed, as if his Majesty had
" a private interest of property therein, they could
" not admit it to be so.

3. " Which was the main point of all, Sir John
" Hotham was said to have shut the gates against his
" Majesty, and to have made resistance with armed
" men, in defiance of his Majesty ; whereas it was in-
" deed in obedience to his Majesty, and his authority,
" and for his service, and the service of the kingdom ;
" for which use only, all that interest is, that the King
" hath in the town ; and it is no further his to dispose
" of, than he useth it for that end : and Sir John
" Hotham being commanded to keep the town and
" magazine, for his Majesty and the kingdom, and
" not to deliver them up, but by his Majesty's autho-
" rity, signified by both Houses of Parliament, all

“ that was to be understood by those expressions, of
“ his denying and opposing his Majesty’s entrance,
“ and telling him in plain terms, that he shd. not
“ come in, was only this, that he humbly desired his
“ Majesty to forbear his entrance, till he might ac-
“ quaint the Parliament; and that his authority
“ might come signified to him by both Houses of
“ Parliament, according to the trust reposed in him.
“ And certainly, if the letter of the statute of the 25
“ Edw. III. ch. 2. be thought to import this; that no
“ war can be levied against the King, but what is di-
“ rected and intended against his person, or that
“ every levying of forces, for the defence of the
“ King’s authority, and of his kingdom, against the
“ personal commands of the King opposed thereunto,
“ though accompanied with his presence, is levying war
“ against the King, it is very far from the sense of that
“ statute; and so much the statute itself speaks, (be-
“ fides the authority of book cases; precedents of di-
“ vers traitors condemned upon that interpretation
“ thereof.) For if the clause of levying of war had
“ been meant only against the King’s person, what
“ need had there been thereof after the other branch
“ of treason, in the same statute, of compassing the
“ King’s death, which would necessarily have implied
“ this? And because the former clause doth imply
“ this, it seems not at all to be intended in this latter
“ branch; but only the levying of war against the
“ King, that is, against his laws and authority: and
“ the levying of war against his laws and authority,
“ though not against his person, is levying war
“ against the King; but the levying of force against
“ his personal commands, though accompanied with
“ his presence, and not against his laws and autho-
“ rity,

“ rity, but in the maintenance thereof, is no levying
“ of war against the King, but for him.

“ There was then, they said, their case : In a time of
“ so many successive plots, and designs of force against
“ the Parliament, and the kingdom ; in a time of pro-
“ bable invasion from abroad, and that to begin at
“ Hull, and to take the opportunity of seizing upon
“ so great a magazine there ; in a time of so great
“ distance and alienation of his Majesty's affection
“ from his Parliament, (and in them from his king-
“ dom, which they represent), by the wicked sugge-
“ tions of a few malignant persons, by whose mis-
“ chievous counsels he was wholly led away from his
“ Parliament, and their faithful advices and counsels :
“ in such a time, the Lords and Commons in Parliament
“ command Sir John Hotham to draw in some of the
“ Trained Bands of the parts adjacent to the town of
“ Hull, for the securing that town and magazine for
“ the service of his Majesty, and of the kingdom :
“ of the safety whereof there is a higher trust reposed
“ in them, than any where else ; and they are the
“ proper judges of the danger thereof.

“ This town and magazine being entrusted to Sir
“ John Hotham, with express order not to deliver them
“ up, but by the King's authority, signified by both
“ Houses of Parliament ; his Majesty, contrary to the
“ advice and directions of both Houses of Parliament,
“ without the authority of any court, or any legal
“ way, wherein the law appoints the King to speak
“ and command, accompanied with the same evil
“ council about him that he had before, by a verbal
“ command requires Sir John Hotham to admit him
“ into the town, that he might dispose of it, and of
“ the magazine there, according to his own, or rather
“ according

“ according to the pleasure of those evil counsellors,
“ who are still in so much credit about him ; in like
“ manner as the Lord Digby had continual recourse
“ unto, and countenance from, the Queen’s Majesty in
“ Holland ; by which means he had opportunity still
“ to communicate his traitorous conceptions and sug-
“ gestions to both their Majesties ; such as those were
“ concerning his Majesty’s retiring to a place of
“ strength, and declaring himself, and his own advanc-
“ ing his Majesty’s service in such a way beyond the
. “ seas, and after that resorting to his Majesty in such
“ a place of strength ; and divers other things of that
“ nature, contained in his letter to the Queen’s Ma-
“ jesty, and to Sir Lewis Dives ; a person that had
“ not the least part in this late busines of Hull, and
“ was presently dispatched away into Holland, soon
“ after his Majesty’s return from Hull ; for what pur-
“ pose, they left the world to judge.

“ Upon the refusal of Sir John Hotham to admit his
“ Majesty into Hull, presently, without any due proceſs
“ of law, before his Majesty had ſent up the narration
“ of his fact to the Parliament, he was proclaimed traitor ; and yet it was ſaid, that therein was no violation
“ of the ſubjeſt’s rights, nor any breach of the law, nor
“ of the privilege of Parliament, though Sir John Hotham
“ be a member of the House of Commons ; and
“ that his Majesty muſt have better reaſon, than bare
“ votes, to believe the contrary ; although the votes
“ of the Lords and Commons in Parliament, being
“ the great council of the kingdom, are the reaſon
“ of the King, and of the kingdom : yet these votes,
“ they ſaid, did not want clear and apparent reaſon
“ for them ; for if the ſolemn proclaiming him a traitor
“ ſignify any thing, it puts a man, and all thoſe that
“ any

“ any way aid, assist, or adhere unto him, in the same
“ condition of traitors ; and draws upon him all the
“ consequences of treason : and if that might be done
“ by law, without due process of law, the subject hath
“ a very poor defence of the law, and a very small,
“ if any, proportion of liberty thereby. And it is as
“ little satisfaction to a man, that shall be exposed to
“ such penalties, by that declaration of him to be
“ traitor, to say, he shall have a legal trial afterwards,
“ as it is to condemn a man first, and try him after-
“ wards. And if there could be a necessity for any
“ such proclaiming a man a traitor, without due pro-
“ cess of law, yet there was none in this case ; for
“ his Majesty might as well have expected the judg-
“ ment of Parliament, (which was the right way), as
“ he had leisure to send to them to demand justice
“ against Sir John Hotham. And the breach of pri-
“ vilege of Parliament was as clear in this case, as
“ the subversion of the subject’s common right : for,
“ though the privileges of Parliament do not extend
“ to those cases, mentioned in the declaration, of trea-
“ son, felony, and breach of peace, so as to exempt
“ the members of Parliament from punishment, nor
“ from all manner of process and trial, as it doth in
“ other cases ; yet it doth privilege them in the way
“ and method of their trial and punishment ; and that
“ the Parliament should have the cause first brought
“ before them, that they may judge of the fact, and of
“ the grounds of the accusation, and how far forth the
“ manner of their trial may concern, or not concern,
“ the privilege of Parliament. Otherwise it would be
“ in the power, not only of his Majesty, but of every
“ private man, under pretensions of treasons, or those
“ other crimes, to take any man from his service in
“ Parliament ;

“ Parliament ; and so as many one after another as he
“ pleafeth ; and, consequently, to make a Parliament
“ what he will, when he will ; which would be a
“ breach of fo effential a privilege of Parliament, as
“ that the very being thereof depends upon it. And
“ therefore they no ways doubted but every one, that
“ had taken the protestation, would, according to his
“ solemn vow and oath, defend it with his life and
“ fortune. Neither did the fitting of a Parliament
“ suspend all, or any law, in maintaining that law,
“ which upholds the privilege of Parliament ; which
“ upholds the Parliament ; which upholds the king-
“ dom. And they were so far from believing, that
“ his Majesty was the only person against whom trea-
“ son could not be committed, that, in some fense,
“ they acknowledged he was the only person against
“ whom it could be committed ; that is, as he is
“ King : and that treason, which is against the king-
“ dom, is more against the King, than that which is
“ against his person ; because he is King : for that
“ very treason is not treason, as it is against him as a
“ man, but as a man that is a King ; and as he hath
“ relation to the kingdom, and stands as a person en-
“ trusted with the kingdom, and discharging that trust.

“ Now, they said, the case was truly stated, and all
“ the world might judge where the fault was ; al-
“ though they must avow, that there could be no
“ competent judge of this, or any the like case, but a
“ Parliament. And they were as confident, that his
“ Majesty should never have cause to resort to any
“ other court, or course, for the vindication of his
“ just privileges, and for the recovery and mainte-
“ nance of his known and undoubted rights, if there
“ should be any invasion, or violation thereof, than to
“ his

“ his high court of Parliament : and, in case those
“ wicked counsellors about him should drive him into
“ any other course from, and against his Parliament,
“ whatever his Majesty’s expressions and intentions
“ were, they should appeal to all men’s consciences; and
“ desire, that they would lay their hands upon their
“ hearts, and think with themselves, whether such
“ persons, as had of late, and still did resort unto his
“ Majesty, and had his ear, and favour most, either
“ had been or were more zealous assertors of the true
“ Protestant profession, (although they believed they
“ were more earnest in the Protestant profession, than
“ in the Protestant religion), or the law of the land,
“ the liberty of the subject, and the privileges of the
“ Parliament, than the members of both Houses of
“ Parliament ; who were insinuated to be the desert-
“ ers, if not the destroyers of them : and whether, if
“ they could master this Parliament by force, they
“ would not hold up the same power to deprive us of
“ all Parliaments ; which are the ground and pillar of
“ the subject’s liberty, and that which only maketh
“ England a free monarchy.

“ For the order of assistance to the committee of
“ both Houses, as they had no directions or instruc-
“ tions, but what had the laws for their limits, and the
“ safety of the land for their ends, so they doubted
“ not but all persons mentioned in that order, and all
“ his Majesty’s good subjects, would yield obedience
“ to his Majesty’s authority, signified therein by both
“ Houses of Parliament. And that all men might
“ the better know their duty in matters of that nature,
“ and upon how sure a ground they go, that follow
“ the judgment of Parliament for their guide, they
“ wished them judiciously to consider the true mean-
“ ing

“ ing and ground of that statute made in the eleventh
“ year of King Hen. VII. ch. 1. which was printed
“ large in the end of his Majesty’s message of the
“ fourth of May : that statute provides, that none
“ who shall attend upon the King, and do him true
“ service, should be attainted, or forfeit any thing.
“ What was the scope of that statute ? To provide
“ that men should not suffer as traitors, for serving
“ the King in his wars according to the duty of their
“ allegiance ? If this had been all, it had been a very
“ needless and ridiculous statute. Was it then in-
“ tended, (as they seemed to take the meaning of it
“ to be, that caused it to be printed after his Majesty’s
“ message), that they should be free from all crime
“ and penalty, that should follow the King, and serve
“ him in war in any case whatsoever ; whether it were
“ for or against the kingdom, and the laws thercof ?
“ That could not be ; for that could not stand with
“ the duty of their allegiance ; which, in the begin-
“ ning of the statute, was expressed to be to serve the
“ King for the time being in his wars, for the defence
“ of him, and the land ; and therefore if it be against
“ the land, (as it cannot be understood to be other-
“ wise, if it be against the Parliament, the representa-
“ tive body of the kingdom), it is a declining from
“ the duty of allegiance ; which this statute supposeth
“ may be done, though men should follow the King’s
“ person in the war : otherwise there had been no
“ need of such a proviso in the end of the statute,
“ that none should take the benefit thereby, that
“ should decline from their allegiance. That there-
“ fore which is the principal verb in this statute is,
“ the serving of the King for the time being ; which
“ could not be meant of Perkin Warbeck, or any
“ that

“ that should call himself King ; but such a one, as,
“ whatever his title might prove, either in himself, or
“ in his ancestors, should be received and acknow-
“ ledged for such by the kingdom ; the consent
“ whereof cannot be discerned but by Parliament ;
“ the act whereof is the act of the whole kingdom,
“ by the personal suffrage of the Peers, and the dele-
“ gate consent of all the Commons of England.

“ And Henry VII. a wise King, considering that
“ what was the case of Rich. III. his predecessor,
“ might, by chance of battle, be his own ; and that
“ he might at once, by such a statute as this, satisfy
“ such, as had served his predecessor in his wars, and
“ also secure those, which should serve him, who
“ might otherwise fear to serve him in the wars ; lest,
“ by chance of battle, that might happen to him also,
“ (if a Duke of York had set up a title against him),
“ which had happened to his predecessor, he procured
“ this statute to be made ; that no man should be ac-
“ counted a traitor for serving the King, in his wars,
“ for the time being, that is, which was for the pre-
“ sent allowed and received by the Parliament in
“ behalf of the kingdom : and, as it is truly suggested
“ in the preamble of the statute, it is not agreeable to
“ reason or conscience, that it should be otherwise ;
“ seeing men should be put upon an impossibility of
“ knowing their duty, if the judgment of the highest
“ court should not be a rule, and guide to them.
“ And if the judgment thereof should be followed,
“ where the question is, who is King ? much more,
“ what is the best service of the King and kingdom ?
“ And therefore those, who should guide themselves
“ by the judgment of Parliament, ought, whatever
“ happen, to be secure and free from all account
“ and

" and penalties, upon the grounds and equity of this
" very statute.

" They said, they would conclude, that although
" those wicked counsellors about his Majesty had pre-
" sumed, under his Majesty's name, to put that dis-
" honour and affront upon both Houses of Parlia-
" ment ; and to make them the countenancers of trea-
" son, enough to have dissolved all the bands and fi-
" news of confidence between his Majesty and his
" Parliament, (of whom the maxim of the law is, that
" a dishonourable thing ought not to be imagined of
" them), yet they doubted not, but it should, in the
" end, appear to all the world, that their endeavours
" had been most hearty and sincere, for the mainte-
" nance of the true Protestant religion ; the King's
" just prerogative ; the laws and liberties of the land ;
" and the privileges of Parliament : in which endea-
" vours, by the grace of God, they would still perfist,
" though they should perish in the work ; which if
" it should be, it was much to be feared, that reli-
" gion, laws, liberties, and parliaments, would not be
" long lived after them."

This declaration wrought more upon the minds of men, than all that they had done ; for the busines at Hull was, by very many, thought to be done before projected ; and the argument of the militia to be entered upon at first in passion, and afterwards pursued with that vehemence, insensibly, by being engaged ; and that both extravagances had so much weighed down the King's trespasses, in coming to the House and accusing the members, that a reasonable agreement would have been the sooner consented to on all hands. But when, by this declaration, they saw foundations laid, upon which not only what had been

been already done, would be well justified, but whatsoever they should, hereafter, find convenient to second what was already done ; and that not only the King, but the regal power was either suppressed, or deposited in other hands ; the irregularity and monstrousness of which principles found little opposition or resistance, even for the irregularity and monstrousness : very many thought it as unsafe to be present at those consultations, as to consent to the conclusions ; and so great numbers of the members of both Houses absented themselves ; and many, especially of the House of Peers, resorted to his Majesty at York. So that, in the debates of the highest consequence, there was not usually present, in the House of Commons, the fifth part of their just numbers ; and, very often, not above a dozen or thirteen in the House of Peers. In the mean time the King had a full court, and received all comers with great clemency and grace ; calling always all the Peers to council, and communicating with them all such declarations, as he thought fit to publish in answer to those of the Parliament ; and all messages, and whatever else was necessary to be done for the improvement of his condition : and, having now the Great Seal with him, issued such proclamations, as were seasonable for the preservation of the peace of the kingdom. First he published a declaration in answer to that of the nineteenth of May, in which his Majesty said :

“ That if he could be weary of taking any pains for His Majestys answerto the declaration of the nineteen
 “ the satisfaction of his people, and to undecieve them of those specious, mischievous Infusions,
 “ which were daily instilled into them, to shake and corrupt their loyalty and affection to his Majesty
 “ and his government, after so full and ample declara-

“tion of himself and intentions, and so fair and satisfactory answers to all such matters as had been objected to him, by a major part present of both Houses of Parliament, he might well give over that labour of his pen ; and fit still, till it should please God to enlighten the affections and understandings of his good subjects on his behalf, (which he doubted not, but that, in his good time, he would do), that they might see his sufferings were their sufferings : but since, instead of applying themselves to the method, proposed by his Majesty, of making such solid particular propositions, as might establish a good understanding between them, or of following the advice of his Council of Scotland, (with whom they communicated their affairs), in forbearing all means that might make the breach wider, and the wound deeper ; they had chosen to pursue his Majesty with new reproaches, or rather to continue and improve the old, by adding, and varying little circumstances and language, in matters formerly urged by them, and fully answered by his Majesty, he had prevailed with himself, upon very mature and particular consideration of it, to answer the late printed book, entitled a Declaration or Remonstrance of the Lords and Commons, which was ordered, the nineteenth of May last, to be printed and published ; hoping then, that they would put his Majesty to no more of that trouble, but that that should have been the last of such a nature they would have communicated to his people ; and that they would not, as they had done since, have thought fit to assault him with a newer declaration, indeed of a very new nature and learning ; which should have another answer : and he doubted not,

“but

“ but that his good subjects would, in short time, be
“ so well instructed in the differences, and mistakings
“ between them, that they would plainly discern,
“ without resigning their reason and understanding to
“ his prerogative, or the infallibility of a now major
“ part of both Houses of Parliament, (infected by a
“ few malignant spirits), where the fault was.

“ His Majesty said, though he should, with all hu-
“ mility and alacrity, be always forward to acknow-
“ ledge the infinite mercy and providence of Al-
“ mighty God, vouchsafed, so many several ways, to
“ himself and this nation; yet, since God himself
“ doth not allow, that we should fancy, and create
“ dangers to ourselves, that we might manifest and
“ publish his mercy in our deliverance; he must pro-
“ fess, that he did not know those deliverances, men-
“ tioned in the beginning of that declaration, from so
“ many wicked plots and designs, since the beginning
“ of this Parliament, which, if they had taken effect,
“ would have brought ruin and destruction upon this
“ kingdom. His Majesty well knew the great labour
“ and skill, which had been used to amuse and affright
“ his good subjects with fears and apprehensions of
“ plots and conspiracies; the several pamphlets pub-
“ lished, and letters scattered up and down, full of
“ such ridiculous, contemptible animadversions to that
“ purpose, as (though they found, for what end God
“ knows, very unusual countenance) no sober man
“ would be moved with them. But, he must confess,
“ he had never been able to inform himself of any
“ such pernicious, formed design against the peace
“ of the kingdom, since the beginning of this Parlia-
“ ment, as was mentioned in that declaration, or
“ which might be any warrant to those great fears,

“ both Houses of Parliament seemed to be transported
“ with ; but he had great reason to believe, that more
“ mischief and danger had been raised and begotten,
“ to the disturbance of the kingdom, than cured and
“ prevented, by those fears and jealousies. And there-
“ fore, however the rumour and discourse of plots
“ and conspiracies might have been necessary to the
“ designs of particular men, they should do well not
“ to pay any false devotions to Almighty God, who
“ discerns whether our dangers are real or pretended.

“ For the bringing up of the army to London, as
“ his Majesty had heretofore, by no other direction
“ than the testimony of a good conscience, called
“ God to witness, that he never had, or knew of, any
“ such resolution ; so he said, upon the view of the
“ depositions now published with that declaration, it
“ was not evident to his Majesty, that there was ever
“ such a design ; unless every loose discourse, or ar-
“ gument, be evidence enough of a design : and it was
“ apparent, that what had been said of it, was near
“ three months before the discovery to both Houses
“ of Parliament ; so that if there were any danger
“ threatened that way, it vanished without any resist-
“ ance, or prevention, by the wisdom, power, or au-
“ thority of them.

“ It seemed the intention of that declaration, what-
“ soever other end it had, was to answer a declaration
“ they had received from his Majesty, in answer to
“ that which was presented to his Majesty at New-
“ market, the ninth of March last ; and likewise his
“ answer to the petition of both Houses, presented to
“ him at York, the twenty-sixth of March : but, be-
“ fore it fell upon any particular of his Majesty’s de-
“ clarations or answer, it complained that the heads of
“ the

“ the malignant party had, with much art and industry, advised him to suffer divers unjust scandals and imputations upon the Parliament, to be published in his name, whereby they might make it odious to the people, and, by their help, destroy it: but not instancing in any one scandal, or imputation, so published by his Majesty, he was, he said, still to seek for the heads of that malignant party. But his good subjects would easily understand, that if he were guilty of that asperion, he must not only be active in raising the scandal, but passive in the mischief begotten by that scandal, his Majesty being an essential part of the Parliament; and he hoped the just defence of himself and his authority, and the necessary vindication of his innocence and justice, from the imputations laid on him, by a major part then present of either or both Houses, should no more be called a scandal upon the Parliament, than the opinion of such a part be reputed an act of Parliament: and he hoped his good subjects would not be long misled, by that common expression in all the declarations, wherein they usurp the word Parliament, and apply it to countenance any resolution or vote some few had a mind to make, by calling it the resolution of Parliament; which could never be without his Majesty's consent; neither could the vote of either or both Houses make a greater alteration in the laws of the kingdom, (so solemnly made by the advice of their predecessors, with the concurrence of his Majesty and his ancestors), either by commanding, or inhibiting any thing, (besides the known rule of the law), than his single direction or mandate could do, to which he did not ascribe that authority.

“ But that declaration informed the people, that
“ the malignant party had drawn his Majesty into the
“ northern parts, far from his Parliament. It might,
“ his Majesty said, more truly and properly have
“ said, that it had driven, than drawn him thither ;
“ for, he confessed, his journey thither (for which he
“ had no other reason to be sorry, than with reference
“ to the cause of it) was only forced upon him, by
“ the true malignant party ; which contrived and
“ countenanced those barbarous tumults, and other
“ seditious circumstances, of which he had so often
“ complained, and hereafter should say more ; and
“ which indeed threatened so much danger to his per-
“ son, and laid so much scandal upon the privilege
“ and dignity of Parliament, that he wondered it
“ could be mentioned without blushes or indignation :
“ but of that anon : but why the malignant party
“ should be charged with the causing a press to be
“ transported to York, his Majesty said, he could not
“ imagine ; neither had any papers or writings issued
“ from thence, to his knowledge, but what had been
“ extorted from him by such provocations, as had not
“ been before offered to a King. And, no doubt, it
“ would appear a most trivial and fond exception,
“ when all presses were open to vent whatsoever they
“ thought fit to say to the people, (a thing unwar-
“ ranted by former custom), that his Majesty should
“ not make use of all lawful means, to publish his
“ just and necessary answers thereunto. As for the au-
“ thority of the Great Seal, (though he did not know
“ that it had been necessary to things of that nature),
“ the same should be more frequently used hereafter,
“ as occasion should require ; to which he made no
“ doubt, but the greater and better part of his Privy
“ Council

“ Council would concur ; and whose advice he was
“ resolved to follow, as far as it should be agreeable
“ to the good and welfare of the kingdom.

“ Before that declaration vouchsafed to insist upon
“ any particulars, it was pleased to censure both his
“ Majesty’s declaration and answer to be filled with
“ harsh censures, and causeless charges upon the Par-
“ liament, (still misapplying the word Parliament to
“ the vote of both Houses), concerning which they
“ resolve to give satisfaction to the kingdom, since
“ they found it very difficult to satisfy his Majesty.
“ If, as in the usage of the word Parliament, they had
“ left his Majesty out of their thoughts ; so by the
“ word Kingdom, they intended to exclude all his
“ people who were not within their walls, (for that
“ was grown another phrase of the time, the vote of
“ the major part of both Houses, and sometimes of
“ one, was now called the resolution of the whole
“ kingdom), his Majesty believed, it might not be
“ hard to give satisfaction to themselves ; otherwise
“ he was confident, (and, he said, his confidence pro-
“ ceeded from the uprightness of his own conscience),
“ they would never be able so to sever the affections
“ of his Majesty and his kingdom, that what could
“ not be satisfaction to the one, should be to the
“ other : neither would the style of humble, and
“ faithful, and telling his Majesty, that they will
“ make him a great and glorious King, in their peti-
“ tions and remonstrances, so deceive his good sub-
“ jects, that they would pass over the reproaches,
“ threats, and menaces they were stuffed with ; which
“ surely could not be more gently reprehended by his
“ Majesty, than by saying, their expressions were dif-
“ ferent from the usual language to Princes ; which

“ that declaration told him, he had no occasion to
“ say : but he believed, whosoever looked over that
“ declaration, presented to him at Newmarket, to
“ which his was an answer, would find the language
“ throughout it to be so unusual, that, before this
“ Parliament, it could never be paralleled ; whilst,
“ under pretence of justifying their fears, they gave
“ so much countenance to the discourse of the rebels
“ of Ireland, as if they had a mind his good subjects
“ should give credit to it : otherwise, being warranted
“ by the same evidence, which they have since pub-
“ lished, they would have as well declared, that those
“ rebels publicly threaten the rooting out the name of
“ the English, and that they will have a King of their
“ own, and no longer be governed by his Majcsty, as
“ that they say, that they do nothing, but by his Ma-
“ jesty’s authority ; and that they call themselves the
“ Queen’s army. And therefore he had great reason
“ to complain of the absence of justice and integrity
“ in that declaration ; besides the unfitness of other
“ expressions.

“ Neither did his Majesty mistake the substance, or
“ logic of their message to him, at Theobalds, con-
“ cerning the militia ; which was no other, and was
“ stated to be no other, even by that declaration that
“ reproved him, than a plain threat, that if his Ma-
“ jesty refused to join with them, they would make a
“ law without him ; nor had the practice since that
“ time been other ; which would never be justified to
“ the most ordinary if not partial understandings, by
“ the mere averring it to be according to the funda-
“ mental laws of this kingdom, without giving any
“ directions, that the most cunning and learned men
“ in the laws might be able to find those foundations.

“ And

“ And he would appeal unto all the world, whether
“ they might not, with as much justice, and by as
“ much law, have seized upon the estate of every
“ member of both Houses, who dissented from that
“ pretended ordinance, (which much the major part of
“ the House of Peers did, two or three several times),
“ as they had invaded that power of his over the mili-
“ tia, because he, upon reasons they had not so much
“ as pretended to answer, refused to consent to that
“ proposition.

“ And if no better effects, than loss of time, and
“ hindrance of the public affairs, had been found by
“ his answers and replies, all good men might judge
“ by whose default, and whose want of duty, such
“ effects had been; for as his end, indeed his only
“ end, in those answers and replies, had been the set-
“ tlement and composure of public affairs; so, he was
“ assured, and most men did believe, that if that due
“ regard and reverence had been given to his words,
“ and that consent and obedience to his counsels,
“ which he expected, there had been, before that time,
“ a cheerful calm upon the face of the whole king-
“ dom; every man enjoying his own, with all possible
“ peace and security that can be imagined; which
“ surely those men did not desire, who (after all those
“ acts of justice and favour passed by him this Par-
“ liament; all those sufferings and affronts endured
“ and undergone by him) thought fit still to reproach
“ him with ship-money, coat and conduct-money,
“ and other things so abundantly declared, as that de-
“ claration itself confessed, in the general remon-
“ strance of the state of the kingdom, published in
“ November last; which his Majesty wondered to
“ find now avowed to be the remonstrance of both
“ Houses;

“ Houses ; and which, he was sure, was presented to
“ him only by the House of Commons ; and did
“ never, and, he was confident, in that time could
“ never have passed the House of Peers ; the con-
“ currence and authority of which was not then
“ thought necessary. Should his Majesty believe
“ those reproaches to be the voice of the kingdom
“ of England, that all his loving subjects eased, re-
“ freshed, strengthened, and abundantly satisfied with
“ his acts of grace and favour towards them, were
“ willing to be involved in those unthankful expres-
“ sions ? He would appeal to the thanks and ac-
“ knowledgments published in the petitions of most
“ of the counties of England ; to the testimony and
“ thanks he had received from both Houses of Parlia-
“ ment ; how seasonable, how agreeable that usage
“ was to his Majesty’s merit, or their former expref-
“ sions.

“ His Majesty said, he had not at all swerved or
“ departed from his resolutions, or words, in the be-
“ ginning of this Parliament : he had said, he was
“ resolved to put himself freely and clearly upon the
“ love and affection of his English subjects ; and he
“ said so still, as far as concerns England. And he
“ called Almighty God to witness, all his complaints
“ and jealousies, which had never been causeless, nor
“ of his Houses of Parliament, (but of some few schif-
“ matical, factious, and ambitious spirits ; and upon
“ grounds, as he feared, a short time would justify to
“ the world), his denial of the militia, his absenting
“ himself from London, had been the effects of an
“ upright and faithful affection to his English sub-
“ jects ; that he might be able, through all the in-
“ conveniences he might be compelled to wrestle
“ with,

“ with, at last to preserve and restore their religion,
“ laws, and liberties unto them.

“ Since the proceeding against the Lord Kimbolton, and the five members, was still looked upon, “ and so often pressed, as so great an advantage against “ his Majesty, that no retraction made by him, nor no “ action, since that time committed against him, and “ the law of the land, under the pretence of vindication of privilege, could satisfy the contrivers of that “ declaration, but that they would have his good “ subjects believe, the accusation of those six members must be a plot for the breaking the neck of “ the Parliament, (a strange arrogance, if any of those “ members had the penning of that declaration), and “ that it was so often urged against him, as if by that “ single, casual mistake of his, in form only, he had “ forfeited all duty, credit, and allegiance from his “ people, he said, he would, without endeavouring to “ excuse that, which in truth was an error, (his going “ to the House of Commons), give his people a full “ and clear narration of the matter of fact; assuring “ himself, that his good subjects would not find “ his carriage in that business, such as had been reported.

“ His Majesty said, that when he resolved, upon “ such grounds, as, when they should be published, “ would satisfy the world, that it was fit for his own “ safety and honour, and the peace of the kingdom, “ to proceed against those persons; though, he well “ knew, there was no degree of privilege in that case; “ yet, to shew his desire of correspondence with the “ two Houses of Parliament, he chose rather than to “ apprehend their persons by the ordinary ministers of “ justice, (which, according to the opinion and practice

"tice of former times, he might have done), to command his Attorney General, to acquaint his House of Peers with his intention, and the general matters of his charge, (which was yet more particular, than "a mere accusation), and to proceed accordingly ; and at the same time sent a sworn servant, a Serjeant at Arms, to the House of Commons, to acquaint them, that his Majesty did accuse, and intended to prosecute, the five members of that House for high treason ; and did require, that their persons might be secured in custody. This he did, not only to shew that he intended not to violate or invade their privileges, but to use more ceremony towards them, than he then conceived in justice might be required of him ; and expected at least such an answer, as might inform him, if he were out of the way ; but he received none at all ; only, in the instant, without offering any thing of their privileges to his consideration, an order was made, and the same night published in print, that if any person whatsoever should offer to arrest the person of any member of that House, without first acquainting that House therewith, and receiving further order from that House, that it should be lawful for such member, or any person, to resist them, and to stand upon his or their guard of defence ; and to make resistance, according to the protestation taken to defend the privilege of Parliament : and this was the first time that he heard the protestation might be wrested to such a sense, or that in any case, though of the most undoubted and unquestionable privilege, it might be lawful for any person to resist, and use violence against a public minister of justice, armed with lawful authority ; though his Majesty well

" well knew, that even such a minister might be
" punished for executing such authority.

" Upon viewing that order, his Majesty confessed,
" he was somewhat amazed, having never seen or
" heard of the like ; though he had known members
" of either House committed, without so much for-
" mality as he had used, and upon crimes of a far in-
" ferior nature to those he had suggested ; and having
" no course proposed him for his proceeding, he was,
" upon the matter, only told, that against those per-
" sons he was not to proceed at all ; that they were
" above his reach, or the reach of the law. It was
" not easy for him to resolve what to do : if he em-
" ployed his ministers of justice in the usual way for
" their apprehension, who without doubt would not
" have refused to have executed his lawful com-
" mands, he saw what opposition, and resistance, was
" like to be made ; which, very probably, might
" have cost some blood : if he fate still, and desisted
" upon that terror, he should, at the best, have con-
" fessed his own want of power, and the weakness of
" the law. In that strait, he put on a sudden resolu-
" tion, to try whether his own presence, and a clear dis-
" covery of his intention, which happily might not
" have been so well understood, could remove those
" doubts, and prevent those inconveniences, which
" seemed to have been threatened ; and thereupon he
" resolved to go, in his own person, to the House of
" Commons ; which he discovered not, till the very
" minute of his going ; when he sent out orders, that
" his servants, and such gentlemen as were then in his
" court, should attend him to Westminster ; but giv-
" ing them express command, as he had expressed in
" his answer to the ordinance, that no accidents, or
" provocation, should draw them to any such action,

" as

“ as might imply a purpose of force in his Majesty ;
“ and himself, requiring those of his train not to
“ come within the door, went into the House of
“ Commons ; the bare doing of which, he did not
“ then conceive, would have been thought more a
“ breach of privilege, than if he had gone to the
“ House of Peers, and sent for them to come to him ;
“ which was the usual custom.

“ He used the best expressions he could, to assure
“ them how far he was from any intention of violating
“ their privileges ; that he intended to proceed le-
“ gally, and speedily against the persons he had ac-
“ cused ; and desired therefore, if they were in the
“ House, that they might be delivered to him ; or if
“ absent, that such course might be taken for their
“ forth coming, as might satisfy his just demands ;
“ and so he departed, having no other purpose of
“ force, if they had been in the House, than he had
“ before protested, before God, in his answer to the
“ ordinance. They had an account now of his part
“ of that story fully ; his people might judge freely
“ of it. What followed on their part, (though that
“ declaration said, it could not withdraw any part of
“ their reverence and obedience from his Majesty ;
“ it might be any part of theirs it did not), he
“ should have too much cause hereafter to inform
“ the world.

“ His Majesty said, there would be no end of this
“ discourse, and of upbraiding him with evil counse-
“ lors, if, upon his constant denial of knowing any,
“ they would not vouchsafe to inform him of them ;
“ and after eight months abusing the kingdom with the
“ expectation of the discovery of a malignant party, and
“ of evil counsellors, they would not at last name any,
“ nor describe them. Let the actions or lives of men be
“ examined,

“ examined, who had contrived, counselled, actually
“ consented to grieve and burthen his people ; and if
“ such were now about his Majesty, or any against
“ whom any notorious, malicious crime could be
“ proved, if he sheltered and protected any such, let
“ his injustice be published to the world : but till
“ that were done, particularly, and manifestly, (for he
“ should never conclude any man upon a bare, gene-
“ ral vote of the major part of either, or both Houses,
“ till it were evident, that that major part was with-
“ out passion or affection), he must look upon the
“ charge that declaration put upon him, of cherish-
“ ing and countenancing a discontented party of the
“ kingdom against them, as a heavier and unjuster
“ tax upon his justice and honour, than any he had,
“ or could lay, upon the framers of that declaration.
“ And now, to countenance those unhandsome ex-
“ pressions, whereby they usually had implied his
“ Majesty’s connivance at, or want of zeal against, the
“ rebellion of Ireland, (so odious to all good men),
“ they had found a new way of exprobation : that the
“ proclamation against those bloody traitors came not
“ out, till the beginning of January, though that re-
“ bellion broke out in October, and then, by special
“ command from his Majesty, but forty copies were
“ appointed to be printed. His Majesty said, it was
“ well known where he was at that time, when that re-
“ bellion broke forth ; in Scotland : that he imme-
“ diately, from thence, recommended the care of that
“ busines to both Houses of Parliament here, after he
“ had provided for all fitting supplies from his king-
“ dom of Scotland : that, after his return hither, he
“ observed all those forms for that service, which he
“ was advised to by his Council of Ireland, or both
“ Houses

“ Houses of Parliament here; and if no proclamation
“ issued out sooner, (of which, for the present, he was
“ not certain ; but thought that others, by his direc-
“ tions, were issued before that time), it was, because
“ the Lords Justices of the kingdom desired them no
“ sooner ; and when they did, the number they de-
“ sired was but twenty ; which they advised might be
“ signed by his Majesty ; which he, for expedition
“ of the service, commanded to be printed ; a cir-
“ cumstance not required by them ; thereupon he
“ signed more of them, than his Justices desired ; all
“ which was very well known to some members of
“ one, or both Houses of Parliament ; who had the
“ more to answer, if they forbore to express it at the
“ passing of that declaration ; and if they did express
“ it, he had the greater reason to complain, that so
“ envious an asperion should be cast on his Majesty
“ to his people, when they knew well how to answer
“ their own objection.

“ What that complaint was against the Parliament,
“ put forth in his name, which was such an evidence
“ and countenance to the rebels, and spoke the same
“ language of the Parliament which the rebels did ;
“ he said he could not understand. All his answers
“ and declarations had been, and were, owned by
“ himself ; and had been attested under his own
“ hand : if any other had been published in his name,
“ and without his authority, it would be easy for both
“ Houses of Parliament to discover and apprehend
“ the authors : and he wished, that whosoever was
“ trusted with the drawing and penning that declara-
“ tion, had no more authority, or cunning to impose
“ upon, or deceive a major part of those votes, by
“ which it passed, than any man had to prevail with
“ his

“ his Majesty to publish in his name any thing, but
“ the sense and resolution of his own heart ; or that
“ the contriver of that declaration could, with as
“ good a conscience, call God to witness, that all his
“ counsels and endeavours had been free from all pri-
“ vate aims, personal respects or passions whatsoever,
“ as his Majesty had done, and did, that he never
“ had, or knew of any such resolution of bringing up
“ the army to London.

“ And since that new device was found out, in-
“ stead of answering his reasons, or satisfying his just
“ demands, to blast his declarations and answers, as if
“ they were not his own ; a bold, senseless imputa-
“ tion ; he said he was sure, that every answer and
“ declaration, published by his Majesty, was much
“ more his own, than any one of those bold, threaten-
“ ing, and reproachful petitions and remonstrances,
“ were the acts of either, or both Houses. And if the
“ penner of that declaration had been careful of the
“ trust reposed in him, he would never have denied,
“ (and thereupon found fault with his Majesty’s just
“ indignation), in the text or margin, that his Ma-
“ jesty had never been charged with the intention of
“ any force ; and that in their whole declaration,
“ there was no one word tending to any such re-
“ proach ; the contrary whereof was so evident, that
“ his Majesty was, in express terms, charged in that
“ declaration, that he had sent them gracious mes-
“ sages, when, with his privity, bringing up the
“ army was in agitation ; and, even in that declara-
“ tion, they sought to make the people believe some
“ such thing to be proved, in the depositions there-
“ with published ; wherein, his Majesty doubted not,
“ they would as much fail, as they did in their censure

“ of that petition, shewed formerly to his Majesty by
“ Captain Leg, and subscribed by him C. R. which,
“ notwithstanding his Majesty’s full and particular
“ narration of the substance of that petition, the cir-
“ cumstances of seeing and approving it, that declara-
“ tion was pleased to say, was full of scandal to the
“ Parliament, and might have proved dangerous to the
“ whole kingdom. If they had that dangerous peti-
“ tion in their hands, his Majesty said, he had no rea-
“ son to believe, any tenderness towards him had kept
“ them from communicating it ; if they had it not,
“ his Majesty ought to have been believed : but that
“ all good people might compute their other pretend-
“ ed dangers by their clear understanding of that, the
“ noise whereof had not been inferior to any of the
“ rest, his Majesty said, he had recovered a true copy
“ of the very petition he had signed with C. R. which
“ should, in fit time, be published ; and which, he
“ hoped, would open the eyes of his good people.

“ Concerning his warrant for Mr. Jermyn’s pa-
“ sage, his answer was true, and full ; but for his
“ black satin suit, and white boots, he could give no
“ account.

“ His Majesty had complained in his declaration,
“ and, as often as he should have occasion to mention
“ his return, and residence near London, he should
“ complain of the barbarous and seditious tumults at
“ Whitehall and Westminster ; which indeed had
“ been so full of scandal to his government, and dan-
“ ger to his person, that he should never think of his
“ return thither, till he had justice for what was
“ past, and security for the time to come : and if
“ there were so great a necessity, or desire of his re-
“ turn, as was pretended, in all this time, upon so
“ often

“ often pressing his desires, and upon causes so notorious; he should at least have procured some order for the future. But that declaration told his Majesty he was, upon the matter, mistaken ; the resort of the citizens to Westminster was as lawful, as the resort of great numbers every day in the term to the ordinary courts of justice ; they knew no tumults. Strange ! was the disorderly appearance of so many thousand people, with staves and swords, crying through the streets, Westminster-hall, the passage between both Houses, (insomuch as the members could hardly pass to and fro), *No Bishops, down with the Bishops*, no tumults ? What member was there of either House, that saw not those numbers, and heard not those cries ? And yet lawful assemblies ! Were not several members of either House assaulted, threatened, and evilly entreated ? And yet no tumults ! Why made the House of Peers a declaration, and sent it down to the House of Commons, for the suppressing of tumults, if there were no tumults ? And if there were any, why was not such a declaration consented to, and published ? When the attempts were so visible, and threats so loud to pull down the Abbey at Westminster, had not his Majesty just cause to apprehend, that such people might continue their work to Whitehall ? Yet no tumults ! What a strange time are we in, that a few impudent, malicious (to give them no worse term) men should cast such a mist of error before the eyes of both Houses of Parliament, as that they either could not, or would not, see how manifestly they injured themselves, by maintaining those visible untruths. His Majesty said, he would

“ say no more : by the help of God and the law, he
“ would have justice for those tumults.

“ From excepting, how weightily every man might
“ judge, to what his Majesty had said, that declara-
“ tion proceeded to censure him for what he had not
“ said ; for the prudent omissions in his answers : his
“ Majesty had forborne to say any thing of the words
“ spoken at Kensington ; or the articles against his
“ dearest consort, and the accusation of the six mem-
“ bers : of the last, his Majesty said, he had spoken
“ often ; and he thought enough of the other two ;
“ but having never accused any, (though God knew
“ what truth there might be in either), he had no rea-
“ son to give any particular answer.

“ He said, he did not reckon himself bereaved of
“ any part of his prerogative ; which he was pleased
“ freely, for a time, to part with by bill ; yet he must
“ say, he expressed a great trust in his two Houses of
“ Parliament, when he divested himself of the power
“ of dissolving this Parliament ; which was a just, ne-
“ cessary, and proper prerogative. But he was glad
“ to hear their resolution, that it should not encourage
“ them to do any thing which otherwise had not been
“ fit to have been done : if it did, it would be such a
“ breach of trust, as God would require an account
“ for at their hands.

“ For the militia, he had said so much of it before,
“ and the point was so well understood by all men,
“ that he would waste time no more in that dispute.
“ He never had said, there was no such thing as an
“ ordinance, though he knew that they had been long
“ disused, but that there was never any ordinance, or
“ could be any, without the King’s consent ; and
“ that

“ that was true : and the unnecessary precedent, cited
“ in that declaration, did not offer to prove the con-
“ trary. But enough of that ; God and the law must
“ determine that business.

“ Neither had that declaration given his Majesty
“ any satisfaction concerning the votes of the fifteenth
“ and sixteenth of March last ; which he must de-
“ clare, and appeal to all the world in the point, to be
“ the greatest violation of his Majesty’s privilege, the
“ law of the land, the liberty of the subject, and the
“ right of Parliament, that could be imagined. One
“ of those votes was, and there would need no other
“ to destroy the King and people, that when the
“ Lords and Commons (it is well the Commons are
“ admitted to their part in judicature) shall declare
“ what the law of the land is, the same must be af-
“ fented to, and obeyed ; that is the sense in few
“ words. Where is every man’s property ; every
“ man’s liberty ? If the major part of both Houses
“ declare, that the law is, that the younger brother
“ shall inherit ; what is become of all the families
“ and estates in the kingdom ? If they declare, that,
“ by the fundamental laws of the land, such a rash
“ action, such an unadvised word, ought to be pu-
“ nished by perpetual imprisonment, is not the liberty
“ of the subject, *durante benefacito*, remediless ? That
“ declaration confesses, they pretend not to a power of
“ making new laws ; that, without his Majesty, they
“ could not do that : they needed no such power, if
“ their declaration could suspend this statute from
“ being obeyed, or executed. If they had power to
“ declare the Lord Digby’s waiting upon his Majesty
“ at Hampton Court, and thence visiting some officers
“ at Kingston, with a coach and six horses, to be levy-

“ ing of war, and high treason ; and Sir John Ho-
“ than’s defying his Majesty to his face, keeping his
“ Majesty’s town, fort, and goods against him, by
“ force of arms, to be an act of affection and loyalty ;
“ what needed a power of making new laws ? or
“ would there be such a thing as law left ?

“ He desired his good subjects to mark the reason,
“ and consequence of those votes ; the progress they
“ had already made, and how infinite the progress
“ might be. First, they voted the kingdom was in
“ imminent danger (it was now above three months
“ since they discerned it) from enemies abroad, and
“ from a Popish and disaffected party at home ; that
“ is matter of fact ; the law follows : this vote had
“ given them authority by law, the fundamental laws
“ of the kingdom, to order and dispose of the militia
“ of the kingdom ; and, with this power, and to prevent
“ that danger, to enter into his Majesty’s towns, seize
“ upon his magazine, and, by force, keep both from
“ him. Was not that his Majesty’s case ? First, they
“ vote he had an intention to levy war against his
“ Parliament ; that is matter of fact : then they de-
“ clare such as shall assist him, to be guilty of high
“ treason ; that is the law, and proved by two sta-
“ tutes themselves knew to be repealed.. No matter
“ for that ; they declare it. Upon this ground they
“ exercise the militia ; and so actually do that upon
“ his Majesty, which they had voted he intended to
“ do upon them. Who could not see the confusion
“ that must follow upon such power of declaring ?
“ If they should now vote that his Majesty did not
“ write this declaration, but that such a one did it,
“ which was still matter of fact ; and then declare,
“ that, for so doing, he was an enemy to the common-
“ wealth :

“ wealth ; what was become of the law that man was
“ born to ? And if all their zeal for the defence of
“ the law were but to defend that which they de-
“ clared to be law, their own votes ; it would not be
“ in their power to satisfy any man of their good in-
“ tentions to the public peace, but such who were
“ willing to relinquish their title to Magna Charta,
“ and hold their lives, and fortunes, by a vote of the
“ major part of both Houses. In a word, his Majesty
“ denied not, but they might have power to declare
“ in a particular, doubtful case, regularly brought be-
“ fore them, what law is : but to make a general de-
“ clarion, whereby the known rule of the law might
“ be crossed, or altered, they had no power ; nor
“ could exercise any, without bringing the life and
“ liberty of the subject to a lawless and arbitrary sub-
“ jection.

“ His Majesty had complained (and the world
“ might judge of the justice and necessity of that
“ complaint) of the multitude of seditious pamphlets
“ and sermons ; and that declaration told him, they
“ knew he had ways enough in his ordinary courts of
“ justice to punish those ; so, his Majesty said, he had
“ to punish tumults and riots ; and yet they would
“ not serve his turn to keep his towns, his forests, and
“ parks from violence. And it might be, though
“ those courts had still the power to punish, they
“ might have lost the skill to define, what tumults
“ and riots are ; otherwise a jury in Southwark, le-
“ gally impaneled to examine a riot there, would
“ not have been superseded, and the Sheriff enjoined
“ not to proceed, by virtue of an order of the House
“ of Commons ; which, it seemed, at that time had
“ the sole power of declaring. But it was no wonder

“ that they, who could not see the tumults, did not
“ consider the pamphlets and sermons ; though the
“ author of the *Protestation protest* were well known
“ to be Burton, (that infamous disturber of the peace
“ of the Church and State), and that he preached it
“ at Westminster, in the hearing of divers members
“ of the House of Commons. But of such pamphlets
“ and seditious preachers (divers whereof had been
“ recommended, if not imposed upon several parishes,
“ by some members of both Houses, by what autho-
“ rity his Majesty knew not) he would hereafter take
“ a further account.

“ His Majesty said, he confessed he had little skill
“ in the laws ; and those that had had most, he found
“ now were much to seek : yet he could not under-
“ stand or believe, that every ordinary court, or any
“ court, had power to raise what guard they pleased,
“ and under what command they pleased. Neither
“ could he imagine, what dangerous effects they
“ found by the guard he appointed them ; or indeed
“ any the least occasion, why they needed any guard
“ at all.

“ But of all the imputations, so causelessly and un-
“ justly laid upon his Majesty by that declaration, he
“ said, he must wonder at that charge so apparently
“ and evidently untrue ; that such were continually
“ preferred and countenanced by him, who were
“ friends or favourers, or related unto the chief au-
“ thors and actors of that arbitrary power heretofore
“ practised, and complained of : and, on the other
“ side, that such as did appear against it were daily
“ discountenanced and disgraced. He said, he would
“ know one person that contributed to the ills of
“ those times, or had dependence upon those that did,
“ whom

“ whom he did, or lately had countenanced, or preferred ; nay he was confident, (and he looked for no other at their hands), as they had been always most eminent assertors of the public liberties ; so, if they found his Majesty inclined to any thing not agreeable to honour and justice, they would leave him to-morrow. Whether different persons had not, and did not receive countenance elsewhere, and upon what grounds, all men might judge ; and whether his Majesty had not been forward enough to honour and prefer those of the most contrary opinion, how little comfort soever he had of those preferments, in bestowing of which, hereafter, he would be more guided by men’s actions than opinions. And therefore he had good cause to bestow that admonition (for his Majesty assured them, it was an admonition of his own) upon both his Houses of Parliament, to take heed of inclining, under the specious shews of necessity and danger, to the exercise of such an arbitrary power, they before complained of : the advice would do no harm, and he should be glad to see it followed.

“ His Majesty asked, if all the specious promises, and loud professions, of making him a great and glorious King ; of settling a greater revenue upon his Majesty, than any of his ancestors had enjoyed ; of making him to be honoured at home, and feared abroad ; were resolved into this ; that they would be ready to settle his revenue in an honourable proportion, when he should put himself in such a posture of government, that his subjects might be secure to enjoy his just protection for their religion, laws, and liberties ? What posture of government they intended, he knew not ; nor could he imagine what

“ what security his good subjects could desire for
“ their religion, laws, and liberties, which he had not
“ offered, or fully given. And was it suitable to the
“ duty and dignity of both Houses of Parliament to
“ answer his particular weighty exprefſions of the
“ causes of his remove from London, so generally
“ known to the kingdom, with a scoff; that they
“ hoped he was driven from thence, not by his own
“ fears, but by the fears of the Lord Digby, and his
“ retinue of Cavaliers? Sure, his Majesty ſaid, the
“ penner of that declaration inferted that ungrave and
“ iſſolent expreſſion, as he had done divers others,
“ without the conſent or examination of both Houses;
“ who would not ſo lightly have departed from their
“ former profeſſions of duty to his Majesty.

“ Whether the way to a good understanding be-
“ tween his Majesty and his people had been as zeal-
“ lously preſſed by them, as it had been profeſſed
“ and deſired by him, would be eaſily diſcerned by
“ them who obſerved that he had left no public act
“ undone on his part, which, in the leaſt degree,
“ might be neceſſary to the peace, plenty, and ſecu-
“ rity of his ſubjects: and that they had not diſ-
“ patched one act, which had given the leaſt evidence
“ of their particular affection and kindneſſ to his Ma-
“ jesty; but, on the contrary, had diſcountenanced
“ and hindered the testimony other men would give
“ to him of their affections. Witneſſ the ſtopping,
“ and keeping back, the bill of ſubſidies, granted by
“ the Clergy almoſt a year ſince; which, though his
“ personal wants were ſo notoriously known, they would
“ not, to that time, paſſ; ſo not only forbearing to
“ ſupply his Majesty themſelves, but keeping the love
“ and bounty of other men from him; and affording
“ no

“ no other answers to all his desires, all his reasons,
“ (indeed not to be answered), than that he must not
“ make his understanding, or reason, the rule of his
“ government; but suffer himself to be assisted (which
“ his Majesty never denied) by his great council. He
“ said, he required no other liberty to his will, than
“ the meanest of them did, (he wished they would
“ always use that liberty), not to consent to any thing
“ evidently contrary to his conscience and under-
“ standing: and he had, and should always give as
“ much estimation and regard to the advice and
“ counsel of both Houses of Parliament, as ever
“ Prince had done: but he should never, and he
“ hoped his people would never, account the contriv-
“ ance of a few factious, seditious persons, a malig-
“ nant party, who would sacrifice the commonwealth
“ to their own fury and ambition, the wisdom of Par-
“ liament; and that the justifying and defending
“ of such persons (of whom, and of their particular,
“ finister ways, to compass their own bad ends, his
“ Majesty would shortly inform the world) was not
“ the way to preserve Parliaments, but was the oppo-
“ sing, and preferring a few unworthy persons, before
“ their duty to their King, or their care of the king-
“ dom. They would have his Majesty remember,
“ that his resolutions did concern kingdoms, and there-
“ fore not to be moulded by his own understanding:
“ he said, he did well remember it; but he would have
“ them remember, that when their consultations en-
“ deavoured to lessen the office and dignity of a King,
“ they meddled with that which is not within their
“ determination, and of which his Majesty must give
“ an account to God, and his other kingdoms, and
“ must maintain with the sacrifice of his life.

“ Lastly, that declaration told the people of a pre-
“ sent,

“ fent, desperate, and malicious plot the malignant
“ party was then acting, under the plausible notions
“ of stirring men up to a care of preserving the
“ King’s prerogative; maintaining the discipline of
“ the Church, upholding and continuing the rever-
“ ence and solemnity of God’s service; and en-
“ couraging learning, (indeed plausible and honour-
“ able notions to act any thing upon), and that upon
“ those grounds divers mutinous petitions had been
“ framed in London, Kent, and other places: his
“ Majesty asked upon what grounds these men would
“ have petitions framed? Had so many petitions,
“ even against the form and constitution of the king-
“ dom, and the laws established, been joyfully re-
“ ceived, and accepted? And should petitions framed
“ upon those grounds be called mutinous? Had a
“ multitude of mean, unknown, inconsiderable, con-
“ temptible persons, about the city and suburbs of
“ London, had liberty to petition against the govern-
“ ment of the Church; against the Book of Common-
“ Prayer; against the freedom and privilege of Par-
“ liament; and been thanked for it; and should it
“ be called mutiny, in the greatest and best citizens
“ of London, and the gentry and commonalty of
“ Kent, to frame petitions upon those grounds; and
“ to desire to be governed by the known laws of the
“ land, not by orders and votes of either, or both
“ Houses? Could this be thought the wisdom and
“ justice of both Houses of Parliament? Was it not
“ evidently the work of a faction, within or without
“ both Houses, who deceived the trust reposed in
“ them; and had now told his Majesty what mutiny
“ was? To stir men up to a care of preserving
“ his prerogative, maintaining the discipline of the
“ Church, upholding and continuing the reverence
“ and

" and solemnity of God's service, encouraging of
" learning, was mutiny. Let heaven and earth, God
" and man, judge between his Majesty and these
" men : and however such petitions were there called
" mutinous ; and the petitioners threatened, discoun-
" tenanced, censured, and imprisoned ; if they brought
" such petitions to his Majesty, he would graciously
" receive them ; and defend them, and their rights,
" against what power soever, with the utmost hazard
" of his being.

" His Majesty said, he had been the longer, to his
" very great pain, in this answer, that he might give
" the world satisfaction, even in the most trivial par-
" ticulars, which had been objected against him ; and
" that he might not be again reproached, with any
" more prudent omissions. If he had been compelled
" to sharper language, than his Majesty affected, it
" might be considered, how vile, how insufferable his
" provocations had been : and, except to repel force
" were to assault, and to give punctual and necessary
" answers to rough and insolent demands, were to
" make invectives, he was confident the world would
" accuse his Majesty of too much mildness ; and all
" his good subjects would think, he was not well
" dealt with ; and would judge of his Majesty, and of
" their own happiness, and security in him, by his
" actions ; which he desired might no longer prosper,
" or have a blessing from God upon them, and his
" Majesty, than they should be directed to the glory
" of God, in the maintenance of the true Protestant
" profession, to the preservation of the property and
" liberty of the subject, in the observation of the
" laws ; and to the maintenance of the rights and
" freedom of Parliament, in the allowance and pro-
" tection of all their just privileges."

This

The King's
answer to
the Decla-
ration of
May 26,
1642.

This declaration was no sooner published, but his Majesty likewise set forth an answer to, that other declaration, of the twenty-sixth of May ; in which he said, " that whosoever looked over the late remonstrance, entitled, *A Declaration of the Lords and Commons*, of the twenty-sixth of May, would not think that his Majesty had great reason to be pleased with it ; yet he could not but commend the plain dealing and ingenuity of the framers and contrivers of that declaration, (which had been wrought in a hotter and quicker forge than any of the rest), who would no longer suffer his Majesty to be affronted by being told, they would make him a great and glorious King, whilst they used all possible skill to reduce him to extreme want and indigency ; and that they would make him to be loved at home, and feared abroad, whilst they endeavoured, by all possible ways, to render him odious to his good subjects, and contemptible to all foreign Princes ; but, like round dealing men, told him, in plain English, that they had done him no wrong, because he was not capable of receiving any ; and that they had taken nothing from him, because he had never any thing of his own to lose, If that doctrine were true, and that indeed he ought to be of no other consideration, than they had informed his people in that declaration, that gentleman was much more excusable, that said publicly, unreproved, that the happiness of the kingdom did not depend on his Majesty, or upon any of the royal branches of that root : and the other, who said, his Majesty was not worthy to be King of England : language very monstrous to be allowed by either House of Parliament ; and of which, by the help of God, and the law, he must have some examination.

“ examination. But, he doubted not, all his good
“ subjects did now plainly discern, through the mask
“ and vizard of their hypocrisy, what their design
“ was ; and would no more look upon the framers
“ and contrivers of that declaration, as upon both
“ Houses of Parliament, (whose freedom and just pri-
“ vileges he would always maintain ; and in whose
“ behalf, he was as much scandalized as for himself),
“ but as a faction of malignant, and schismatical, and
“ ambitious persons ; whose design was, and always
“ had been, to alter the whole frame of government,
“ both of Church and State ; and to subject both
“ King and people to their own lawless, arbitrary
“ power and government : of whose persons, and of
“ whose designs, his Majesty said, he would, within a
“ very short time, give his good subjects, and the
“ world, a full, and, he hoped, a satisfactory nar-
“ ration.

“ The contrivers and penners of that declaration
“ (of whom his Majesty would be only understood to
“ speak, when he mentioned any of their undutiful
“ acts against him) said, that the great affairs of the
“ kingdom, and the miserable bleeding condition of
“ Ireland, would afford them little leisure to spend
“ their time in declarations, answers, and replies. In-
“ deed, his Majesty said, the miserable and deplorable
“ condition of both kingdoms would require some-
“ what else at their hands : but he would gladly
“ know how they had spent their time since the re-
“ ces, (then almost eight months), but in declara-
“ tions, remonstrances, and invectives against his Ma-
“ jesty, and his government ; or in preparing matter
“ for them. Had his Majesty invited them to any
“ such expence of time, by beginning arguments of
“ that

“ that nature ? Their leisure, or their inclination, was
“ not as they pretended : and what was their printing
“ and publishing their petitions to him ; their decla-
“ rations and remonstrances of him ; their odious
“ votes and resolutions, sometimes of one, sometimes
“ of both Houses, against his Majesty, (never in that
“ manner communicated before this Parliament), but
“ an appeal to the people ? And, in God’s name, let
“ them judge of the persons they had trusted.

“ Their first quarrel was (as it was always, to let
“ them into their frank expressions of his Majesty,
“ and his actions) against the malignant party ;
“ whom they were pleased still to call, and never to
“ prove to be, his evil counsellors. But indeed no-
“ thing was more evident, by their whole proceedings,
“ than that, by the malignant party, they intended
“ all the members of both Houses who agreed not
“ with them in their opinion, (thence had come their
“ distinction of good and bad Lords ; of persons ill
“ affected to the House of Commons ; who had been
“ proscribed, and their names listed, and read in tu-
“ mults), and all the persons of the kingdom who ap-
“ prove not of their actions. So that, if in truth they
“ would be ingenuous, and name the persons they in-
“ tended ; who would be the men, upon whom the
“ imputation of malignity would be cast, but they
“ who had stood stoutly and immutably for the reli-
“ gion, the liberties, the laws, for all public interest ;
“ (so long as there was any to be stood for;) they, who
“ had always been, and still were, as zealous profes-
“ tors, and some of them as able, and earnest defenders
“ of the Protestant doctrine against the Church of
“ Rome, as any were ; who had often and earnestly
“ besought his Majesty to consent, that no indifferent
“ and

“ and unnecessary ceremony, might be pressed upon
 “ weak and tender consciences, and that he would
 “ agree to a bill for that purpose? They to whose
 “ wisdom, courage, and counsel, the kingdom owed
 “ as much as it could ‘o subjects; and upon whose
 “ unblemished lives envy itself could lay no imputa-
 “ tion; nor endeavoured to lay any, until their virtues
 “ brought them to his Majesty’s knowledge and favour?
 “ His Majesty said, if the contrivers of that declara-
 “ tion would be faithful to themselves, and consider
 “ all those persons of both Houses, whom they, in
 “ their own consciences, knew to dissent from them
 “ in the matter and language of that declaration, and
 “ in all those undutiful actions, of which he com-
 “ plained, they would be found in honour, fortune,
 “ wisdom, reputation, and weight, if not in number,
 “ much superior to them. So much for the evil
 “ counsellors.

“ Then what was the evil counsel itself? His Ma-
 “ jesty coming from London (where he, and many,
 “ whose affections to him were very eminent, were in
 “ danger every day to be torn in pieces) to York;
 “ where his Majesty, and all such as would put them-
 “ selves under his protection, might live, he thanked
 “ God and the loyalty and affection of that good
 “ people, very securely: his not submitting himself
 “ absolutely (and renouncing his own understanding)
 “ to the votes and resolutions of the contrivers of that
 “ declaration, when they told his Majesty, that they
 “ were above him; and might, by his own authority,
 “ do with his Majesty what they pleased: and his not
 “ being contented, that all his good subjects’ lives and
 “ fortunes should be disposed of by their votes; but
 “ by the known law of the land. This was the evil
 “ counse

“ counsel given, and taken : and would not all men
“ believe, there needed much power and skill of the
“ malignant party, to infuse that counsel into him ?
“ And then, to apply the argument the contrivers of
“ that declaration made for themselves, was it proba-
“ ble, or possible, that such men, whom his Majesty
“ had mentioned, (who must have so great a share in
“ the misery), should take such pains in the procuring
“ thereof; and spend so much time, and run so many
“ hazards, to make themselves slaves, and to ruin the
“ freedom of this nation ?

“ His Majesty said, (with a clear and upright con-
“ science to God Almighty), whosoever harboured
“ the least thought in his breast, of ruining or violat-
“ ing the public liberty, or religion of the kingdom,
“ or the just freedom and privilege of Parliament, let
“ him be accursed ; and he should be no counsellor
“ of his, that would not say *Amen*. For the contrivers
“ of that declaration, he had not said any thing, which
“ might imply any inclination in them to be slaves.
“ That which he had charged them with, was invad-
“ ing the public liberty ; and his presumption might
“ be very strong and vehement, that, though they
“ had no mind to be slaves, they were not unwilling
“ to be tyrants : what is tyranny, but to admit no
“ rules to govern by, but their own wills ? And they
“ knew the misery of Athens was at the highest, when
“ it suffered under the Thirty Tyrants.

“ His Majesty said, if that declaration had told
“ him, (as indeed it might, and as in justice it ought
“ to have done), that the precedents of any of his an-
“ cestors did fall short, and much below what had
“ been done by him, this Parliament, in point of
“ grace and favour to his people ; he should not other-
“ wise

“ wise have wondered at it, than at such a truth, in
“ such a place. But when, to justify their having
“ done more than ever their predecessors did, it told
“ his good subjects, (as most injuriously and insolently
“ it did), that the highest and most unwarrantable
precedents of any of his predecessors did fall short,
“ and much below what had been done to them this
“ Parliament by him, he must confess himself amazed,
“ and not able to understand them; and he must tell
“ those ungrateful men, (who durst tell their King,
“ that they might, without want of modesty and duty,
“ depose him), that the condition of his subjects,
“ when, by whatsoever accidents and conjunctures of
“ time, it was at worst under his power, unto which,
“ by no default of his, they should be ever again re-
duced, was, by many degrees, more pleasant and
“ happy, than that to which their furious pretence of
“ reformation had brought them. Neither was his
“ Majesty afraid of the highest precedents of other
“ Parliaments, which those men boldly (his good sub-
jects would call it worse) told him they might, with-
“ out want of modesty or duty, make their patterns.
“ If he had no other security against those precedents,
“ but their modesty and duty, he was in a miserable
“ condition, as all persons would be who depended
“ upon them.

“ That declaration would not allow his inference,
“ that, by avowing the act of Sir John Hotham, they
“ did destroy the title and interest of all his subjects
“ to their lands and goods; but confessed, if they
“ were found guilty of that charge, it were indeed a
“ very great crime. And did they not, in that de-
claration, admit themselves guilty of that very
“ crime? Did they not say, who doubts but that a

“ Parliament may dispose of any thing, wherein his
“ Majesty, or his subjects, had a right, in such a way
“ as that the kingdom might not be in danger thereby?
“ Did they not then call themselves this Parliament,
“ and challenge that power without his consent? Did
“ they not extend that power to all cases, where the
“ necessity or common good of the kingdom was con-
“ cerned? And did they not arrogate to themselves
“ alone, the judgment of that danger, that necessity,
“ and that common good of the kingdom? What
“ was, if that were not, to unsettle the security of all
“ men’s estates; and to expose them to an arbitrary
“ power of their own? If a faction should at any
“ time by cunning, or force, or absence, or accident,
“ prevail over a major part of both Houses; and pre-
“ tend that there were evil counsellors, a malignant
“ party about the King; by whom the religion and
“ liberty of the kingdom were both in danger, (this they
“ might do, they had done it then), they might take
“ away, be it from the King, or people, whatsoever
“ they in their judgments should think fit. This was
“ lawful; they had declared it so: let the world judge,
“ whether his Majesty had charged them unjustly;
“ and whether they were not guilty of the crime, which
“ themselves confessed (being proved) was a great
“ one; and how safely his Majesty might commit the
“ power, those people desired, into their hands; who,
“ in all probability, would be no sooner possessed of
“ it, than they would revive that tragedy, which Mr.
“ Hooker related of the Anabaptists in Germany;
“ who, talking of nothing but faith, and of the true
“ fear of God, and that riches and honour were va-
“ nity; at first, upon the great opinion of their hu-
“ mility, zeal, and devotion, procured much reve-
“ gence

" rence and estimation with the people ; after, finding how many persons they had ensnared with their hypocrisy, they begun to propose to themselves to reform both the ecclesiastical and civil government of the state : then, because possibly they might meet with some opposition, they secretly entered into a league of association ; and shortly after, finding the power they had gotten with the credulous people, enriched themselves with all kind of spoil and pillage ; and justified themselves upon our Saviour's promise, *The meek shall inherit the earth* ; and declared their title was the same which the righteous Israelites had to the goods of the wicked Egyptians : his Majesty said, this story was worth the reading at large, and needed no application.

" But his Majesty might by no means say, that he had the same title to his town of Hull, and the ammunition there, as any of his subjects had to their land or money : that was a principle, that pulled up the foundation of the liberty and property of every subject. Why ? because the King's property in his towns, and in his goods bought with the public money, as they conceive his magazine at Hull to be, was inconsistent with the subjects' property in their lands, goods, and liberty. Did those men think, that as they assumed a power of declaring law, (and whatsoever contradicted that declaration broke their privileges), so that they had a power of declaring tense and reason, and imposing logic and syllogisms on the schools, as well as law upon the people ? Did not all mankind know that several men might have several rights and interests in the self same house and land, and yet neither destroy the other ? Was not the interest of the lord para-

“ mount consistent with that of the mesne lord ; and
“ his with that of the tenant ; and yet their properties
“ or interests not at all confounded ? And why might
“ not his Majesty then have a full, lawful interest
“ and property in his town of Hull, and yet his sub-
“ jects have a property in their houses too ? But he
“ could not sell, or give away, at his pleasure, this
“ town and fort, as a private man might do his lands
“ or goods. What then ? Many men have no autho-
“ rity to let or set their leases, or sell their land ; have
“ they therefore no title to them, or interest in them ?
“ May they be taken from them, because they can-
“ not sell them ? He said, the purpose of his journey
“ to Hull was neither to sell, or give it away.

“ But for the magazine, the munition there, that he
“ bought with his own money, he might surely have
“ sold that, lent, or given it away. No ; he bought
“ it with the public money, and the proof is, they
“ conceive it so ; and, upon that conceit, had voted,
“ that it should be taken from him. Excellent jus-
“ tice ! Suppose his Majesty had kept that money
“ by him, and not bought arms with it, would they
“ have taken it from him upon that conceit : nay,
“ might they not, wheresoever that money was, (for
“ throughli how many hands foever it hath paffed, it is
“ the public money still, if ever it were), feize it, and
“ take it from the owners ? But the towns, forts, ma-
“ gazine, and kingdom, is entrusted to his Ma-
“ jesty ; and he is a person trusted. His Majesty
“ said, he was so ; God, and the law, had trusted
“ him ; and he had taken an oath to discharge that
“ trust, for the good and safety of the people. What
“ oaths they had taken, he knew not, unless those,
“ which, in that violence, they had manifestly, malici-
“ ously

" ciously violated. Might any thing be taken from
" a man, because he is trusted with it ? Nay, may the
" person himself take away the thing he trusts, when
" he will, and in what manner he will ? The law had
" been otherwise, and, he believed, would be so held,
" notwithstanding their declarations.

" But that trust ought to be managed by their ad-
" vice, and the kingdom had trusted them for that
" purpose. Impossible, that the same trust should be
" irrecoverably committed to his Majesty, and his
" heirs for ever, and the same trust, and a power
" above that trust, (for so was the power they pre-
" tended), be committed to others. Did not the peo-
" ple, that sent them, look upon them as a body
" but temporary, and dissolvable at his Majesty's
" pleasure ? And could it be believed, that they in-
" tended them for his guardians and controllers, in the
" managing of that trust, which God, and the law,
" had granted to him, and to his posterity for ever ?
" What the extent of the commission and trust was,
" nothing could better teach them than the writ,
" whereby they are met. His Majesty said, he called
" them (and without that call they could not have
" come together) to be his counsellors, not com-
" manders, (for, however they frequently confounded
" them, the offices were several), and counsellors not
" in all things, but in some things, *de quibusdam ar-*
duis, &c. And they would easily find among their
" precedents, that Queen Elizabeth, upon whose time
" all good men looked with reverence, committed one
" Wentworth, a member of the House of Commons,
" to the Tower, fitting the House, but for proposing
" that they might advise the Queen in a matter she
" thought they had nothing to do to meddle in. But

“ his Majesty is trusted : and is he the only person
“ trusted ? And might they do what their own in-
“ clination and fury led them to ? Were they not
“ trusted by his Majesty, when he first sent for them ;
“ and were they not trusted by him, when he passed
“ them his promise, that he would not dissolve them ?
“ Could it be presumed, (and presumptions go far
“ with them), that he trusted them with a power to
“ destroy himself, and to dissolve his government and
“ authority ? If the people might be allowed to
“ make an equitable construction of the laws and sta-
“ tutes, a doctrine avowed by them, would not all his
“ good subjects swear, he never intended by that act
“ of continuance, that they should do what they have
“ since done ? Were they not trusted by those that
“ sent them ? And were they trusted to alter the go-
“ vernment of Church and State ; and to make them-
“ selves perpetual dictators over the King and peo-
“ ple ? Did they intend, that the law itself should be
“ subject to their votes ; and that whatsoever they
“ said, or did, should be lawful, because they declared
“ it so ? The oaths they had taken who sent them,
“ and without taking which, themselves were not ca-
“ pable of their place in Parliament, made the one
“ incapable of giving, and the other of receiving such
“ a trust ; unless they could persuade his good sub-
“ jects, that his Majesty is the only supreme head
“ and governor in all causes, and over all persons,
“ within his dominions ; and yet that they had a
“ power over him to constrain him to manage his
“ trust, and govern his power, according to their dis-
“ cretion.

“ The contrivers of that declaration told his Ma-
“ jesty, that they would never allow him (an ~~humble~~
“ and

“ and dutiful expression) to be judge of the law ; that
“ belonged only to them ; they might, and must,
“ judge and declare. His Majesty said, they all
“ knew what power the Pope, under pretence of in-
“ terpreting Scriptures, and declaring articles of faith,
“ though he decline the making the one or the other,
“ had usurped over men’s consciences ; and that, un-
“ der colour of having power of ordering all things
“ for the good of men’s souls, he entitles himself to
“ all the kingdoms of the world : he would not ac-
“ cuse the framers of that declaration, (how bold so-
“ ever they were with his Majesty), that they inclined
“ to Popery, of which another maxim was, that all
“ men must submit their reason and understanding,
“ and the Scripture itself, to that declaring power of
“ his : neither would he tell them, though they had
“ told him so, that they use the very language of the
“ rebels of Ireland : and yet they say those rebels de-
“ clare, that whatsoever they do is for the good of the
“ King and kingdom. But his good subjects would
“ easily put the case to themselves, whether if the Pa-
“ pists in Ireland in truth were, or, by art and acci-
“ dent, had made themselves the major part of both
“ Houses of Parliament there ; and had pretended the
“ trust in that declaration from the kingdom of Ire-
“ land ; thereupon had voted their religion and liberty
“ to be in danger of extirpation from a malignant
“ party of Protestants and Puritans ; and therefore,
“ that they would put themselves into a posture of
“ defence ; that the forts and the militia of that
“ kingdom were to be put into the hands of such
“ persons, as they could confide in ; that his Majesty
“ was indeed trusted with the towns, forts, magazines,
“ treasures, offices, and people of the kingdom, for
“ the

“ the good, safety, and best advantage thereof ; but
“ as his trust is for the use of the kingdom, so it
“ ought to be managed by the advice of both Houses
“ of Parliament, whom the kingdom had trusted for
“ that purpose, it being their duty to see it discharged
“ according to the condition and true intent thereof,
“ and by all possible means to prevent the contrary :
“ his Majesty said, let all his good subjects consider,
“ if that rebellion had been plotted with all that for-
“ mality, and those circumstances declared to be legal,
“ at least, according to the equitable sense of the law,
“ and to be for the public good, and justifiable by
“ necessity, of which they were the only judges, whe-
“ ther, though they might have thought their design
“ to be more cunning, they would believe it the more
“ justifiable.

“ Nay, let the framers of that declaration ask them-
“ selves, if the evil counsellors, the malignant party,
“ the persons ill affected, the Popish Lords, and their
“ adherents, should prove now, or hereafter, to be a
“ major part of both Houses, (for it had been de-
“ clared, that a great part of both Houses had been
“ such, and so might have been the greater ; nay, the
“ greater part of the House of Peers was still declared
“ to be such, and his Majesty had not heard of any
“ of their conversion ; and thereupon it had been
“ earnestly pressed, that the major part of the Lords
“ might join with the major part of the House of
“ Commons), would his Majesty be bound to consent
“ to all such alterations, as those men should propose
“ to him, and resolve to be for the public good : and
“ should the liberty, property, and security of all his
“ subjects, depend on what such votes should declare
“ to be law ? Was the order of the militia unfit, and
“ unlawful,

“unlawful, whilst the major part of the Lords refused
“to join in it, (as they had done two or three several
“times, and it was never heard, before this Parlia-
“ment, that they should be so, and so often pressed
“after a dissent declared), and did it grow imme-
“diately necessary for the public safety, and lawful
“by the law of the land, as soon as so many of the
“dissenting Peers were driven away, (after their
“names had been required at the bar, contrary to the
“freedom and foundation of Parliament), that the
“other opinion prevailed? Did the life and liberty
“of the subject depend upon such accidents of days,
“and hours, that it was impossible for him to know
“his right in either? God forbid.

“But now, to justify their invasion of his Majesty’s
“ancient, unquestioned, undoubted right, settled and
“established on his Majesty and his posterity by
“God himself; confirmed and strengthened by all
“possible titles of compact, laws, oaths, perpetual and
“uncontradicted custom, by his people; what had
“they alleged to declare to the kingdom, as they say,
“the obligation that lieth upon the Kings of this
“realm to pass all such bills, as are offered unto them
“by both Houses of Parliament? A thing never
“heard of till that day: an oath, (authority enough
“for them to break all theirs), that is, or ought to
“be, taken by the Kings of this realm, which is as well
“to remedy by law such inconveniences the King
“may suffer, as to keep and protect the laws already
“in being: and the form of this oath, they said, did
“appear upon a record there cited; and by a clause
“in the preamble of a statute, made in the 25th year
“of Edw. III.

“His Majesty said, he was not enough acquainted
“with

“ with records to know whether that were fully and
“ ingenuously cited ; and when, and how, and why,
“ the several clauses had been inserted, or taken out
“ of the oaths formerly administered to the Kings of
“ this realm : yet he could not possibly imagine the
“ assertion that declaration made, could be deduced
“ from the words or the matter of that oath : for
“ unless they had a power of declaring Latin, as well
“ as law, sure, *elegit*, signified *hath chosen*, as well
“ as *will choose* ; and that it signified so there, (be-
“ fides the authority of the perpetual practice of all
“ succeeding times ; a better interpreter than their
“ votes), it was evident, by the reference it had to
“ customs, *confuetudines quas vulgus elegit* : and
“ could that be a custom, which the people should
“ choose after this oath taken ? And should a King
“ be sworn to defend such customs ? Besides, could it
“ be imagined, that he should be bound by oath to pass
“ such laws, (and such a law was the bill they brought
“ to him of the militia), as should put the power,
“ wherewith he was trusted, out of himself, into the
“ hands of other men ; and divert and disable him-
“ self of all possible power to perform the great busi-
“ nes of the oath ; which was to protect them ? If
“ his Majesty gave away all his power, or if it were
“ taken from him, he could not protect any man :
“ and what discharge would it be for his Majesty,
“ either before God or man, when his good subjects,
“ whom God, and the law, had committed to his
“ charge, should be worried and spoiled, to say that
“ he trusted others to protect them ? That is, to do
“ that duty for him, which was essentially and inse-
“ parably his own. But that all his good subjects
“ might see how faithfully these men, who assumed

“ this

“ this trust from them, desired to discharge their
“ trust ; he would be contented to publish, for their
“ satisfaction, (a matter notorious enough, but what
“ he himself never thought to have been put to pub-
“ lish, and of which the framers of that declaration
“ might as well have made use, as of a Latin record
“ they knew many of his good subjects could not, and
“ many of themselves did not understand), the oath
“ itself he took at his coronation, warranted and en-
“ joined to it by the customs, and directions of his
“ predecessors ; and the ceremony of theirs, and his
“ taking it ; they might find it in the records of the
“ Exchequer ; this it is :

The sermon being done, the Archbishop goeth to the King, and asks his willingness to take the oath usually taken by his predecessors :

The King sheweth himself willing, and goeth to the altar ; the Archbishop administers these questions, and the King answereth them severally :

Episcopus. Sir, will you grant and keep, and by your oath confirm to the people of England, the laws and customs to them granted by the Kings of England, your lawful and religious predecessors : and namely the laws, customs, and franchises granted to the Clergy, by the glorious King Saint Edward, your predecessor, according to the laws of God, the true profession of the Gospel established in this kingdom, and agreeable to the prerogative of the Kings thereof, and the ancient customs of this realm ?

Rex. I grant, and promise to keep them.

Episc.

Episc. Sir, will you keep peace, and godly agreement entirely, according to your power, both to God, the holy Church, the Clergy, and the people ?

Rex. I will keep it.

Episc. Sir, will you, to your power, cause law, justice, and discretion, in mercy and truth, to be executed in all your judgments ?

Rex. I will.

Episc. Sir, will you grant to hold, and keep the laws, and rightful customs, which the commonalty of this your kingdom have ; and will you defend and uphold them to the honour of God, so much as in you lieth ?

Rex. I grant, and promise so to do.

Then one of the Bishops reads this admonition to the King, before the people, with a loud voice.

Our Lord and King, we beseech you to pardon, and to grant, and to preserve unto us, and to the Churches committed to our charge, all canonical privileges, and due law, and justice ; and that you would protect and defend us, as every good King, in his kingdom, ought to be protector and defender of the Bishops, and Churches under their government.

The King answereth :

With a willing and devout heart I promise, and grant my pardon ; and that I will preserve and maintain to you, and the Churches committed to your charge,

charge, all canonical privileges, and due law, and justice ; and that I will be your protector and defender, to my power, by the assistance of God, as every good King, in his kingdom, in right ought to protect and defend the Bishops, and the Churches under their government.

Then the King ariseth, and is led to the Communion-Table : where he makes a solemn oath, in sight of all the people, to observe the premises ; and, laying his hand upon the book, saith :

THE OATH.

The things which I before promised, I shall perform, and keep : so help me God, and the contents of this book.

His Majesty said, “ all the world might judge, “ whether such doctrine, or such conclusions, as those “ men brought, could follow, or have the least pre-“ tence, from that oath : for the preamble of the sta-“ tute they cited, that told his Majesty, that the King “ was bound to remedy, by law, the mischiefs and “ damages which happen to his people : his Majesty “ said, he was so ; but asked, whether the King were “ bound, by the preamble of that statute, to renounce “ his own judgment, his own understanding in those “ mischiefs, and of these remedies ? How far forth “ he was obliged to follow the judgment of his Par-“ liament, that declaration still confessed to be a “ question. Without question, he said, none could “ take upon them to remedy even mischiefs, but by “ law, for fear of greater mischiefs than those they “ go about to remedy.

“ But

“ But his Majesty was bound in justice to consent
“ to their proposals, because there was a trust reposed
“ in his Majesty to preserve the kingdom, by making
“ new laws : he said, he was glad there was so ; then
“ he was sure no new law could be made without his
“ consent ; and that the gentleness of his answer, *le*
“ *Roy s'aviseera*, if it be no denial, it is no consent ;
“ and then the matter was not great. They would
“ yet allow his Majesty a greater latitude of granting,
“ or denying, as he should think fit, in public acts
“ of grace, as pardons, or the like grants of favour :
“ why did they so ? If those pardons, and public
“ acts of grace, were for the public good, (which they
“ might vote them to be), they would then be ab-
“ solutely in their own disposal : but had they left
“ that power to his Majesty ? They had sure, at
“ least, shared it with him ; how else had they got
“ the power to pardon Serjeant-Major-General Skip-
“ pon, (a new officer of state, and a subject his Ma-
“ jesty had no authority to send to speak with), and
“ all other persons employed by them, and such as
“ had employed themselves for them, not only for
“ what they had done, but for what they should do ?
“ If they had power to declare such actions to be no
“ treason, which his Majesty would not pardon ; such
“ actions to be treason, which need no pardon ; the
“ latitude they allowed his Majesty of granting, or
“ denying of pardons, was a jewel they might still
“ be content to suffer his Majesty to wear in his
“ Crown, and never think themselves the more in
“ danger.

“ All this considered, the contriver of that message,
“ (since they would afford his Majesty no better title),
“ whom

“ whom they were angry with, did not conceive, the
“ people of this land to be so void of common sense,
“ as to believe his Majesty, who had denied no one
“ thing for the ease and benefit of them, which in
“ justice or prudence could be asked, or in honour
“ and conscience could be granted, to have cast off
“ all care of the subject’s good ; and the framers and
“ devisers of that declaration (who had endeavoured
“ to render his Majesty odious to his subjects, and
“ them disloyal to him, by pretending such a trust in
“ them) to have only taken it up : neither, he was
“ confident, would they be satisfied, when they felt
“ the misery and the burthens, which the fury and
“ the malice of those people would bring upon them,
“ with being told that calamity proceeded from evil
“ counsellors, whom nobody could name ; from plots
“ and conspiracies, which no man could discover ;
“ and from fears and jealousies, which no man under-
“ stood : and therefore, that the consideration of it
“ should be left to the conscience, reason, affection,
“ and loyalty of his good subjects, who do understand
“ the government of this kingdom, his Majesty said,
“ he was well content.

“ His Majesty asked, where the folly and madness
“ of those people would end, who would have his
“ people believe, that his absenting himself from Lon-
“ don, where, with his safety, he could not stay, and
“ the continuing his magazine at Hull, proceeded
“ from the secret plots of the Papists here, and to ad-
“ vance the design of the Papists in Ireland ? But it
“ was no wonder that they, who could believe Sir
“ John Hotham’s shutting his Majesty out of Hull,
“ to be an act of affection and loyalty, would be-

“ lieve that the Papists, or the Turk, persuaded him to
“ go thither.

“ And could any sober man think that declaration
“ to be the consent of either, or both Houses of Par-
“ liament, unawed either by fraud or force ; which
“ (after so many thanks, and humble acknowledg-
“ ments of his gracious favour in his message of the
“ twentieth of January, so often, and so unanimously
“ presented to his Majesty from both Houses of Par-
“ liament) now told him, that the message at first was,
“ and, as often as it had been since mentioned by him,
“ had been a breach of privilege, (of which they had
“ not used to have been so negligent, as in four
“ months not to have complained, if such a breach
“ had been), and that their own method of proceed-
“ ing should not be proposed to them : as if his Ma-
“ jesty had only authority to call them together, not
“ to tell them what they were to do, not so much as
“ with reference to his own affairs. What their own
“ method had been, and whither it had led them, and
“ brought the kingdom, all men see ; what his would
“ have been, if seasonably and timely applied unto,
“ all men might judge ; his Majesty would speak no
“ more of it.

“ But see now what excellent instances they had
“ found out, to prove an inclination, if not in his Ma-
“ jesty, in some about him, to civil war : their going
“ with his Majesty to the House of Commons, (so
“ often urged, and so fully answered), their attending
“ on him to Hampton-Court, and appearing in a war-
“ like manner at Kingston upon Thames ; his going
“ to Hull ; their drawing their swords at York, de-
“ manding, who would be for the King ? the declar-
“ ing

“ ing Sir John Hotham traitor, before the message
“ sent to the Parliament ; the propositions to the gen-
“ try in Yorkshire, to assist his Majesty against Sir
“ John Hotham, before he had received an answer
“ from the Parliament : all desperate instances of an
“ inclination to a civil war. Examine them again :
“ the manner and intent of his going to the House of
“ Commons, he had set forth at large, in his answer
“ to their declaration of the nineteenth of May ; all
“ men might judge of it. Next, did they themselves
“ believe, to what purpose foever that rumour had
“ served their turn, that there was an appearance in
“ warlike manner at Kingston upon Thames ? Did
“ they not know, that whensoever his Majesty had
“ been at Hampton-Court, since his first coming to
“ the Crown, there was never a less appearance, or
“ in a less warlike manner, than at the time they
“ meant ? He said, he would say no more, but
“ that his appearance in a warlike manner at King-
“ ston upon Thames, and theirs at Kingston upon
“ Hull, was very different ? What was meant by
“ the drawing of swords at York, and demanding,
“ who would be for the King, must be enquired at
“ London ; for, his Majesty believed, very few in
“ York understood the meaning of it. For his going
“ to Hull, which they would by no means endure
“ should be called a visit, whether it were not the way
“ to prevent, rather than to make a civil war, was
“ very obvious : and the declaring him a traitor in
“ the very act of his treason, would never be thought
“ unreasonable, but by those who believed him to be
“ a loving and loyal subject ; no more than the en-
“ deavouring to make the gentlemen of that county
“ sensible of that treason, (which they were in an

“ honourable and dutiful degree), before he received
“ the answer from both Houses of Parliament : for,
“ if they had been, as his Majesty expected they should
“ have been, sensible of that intolerable injury offered
“ to him, might he not have had occasion to have
“ used the affection of these gentlemen ? Was he
“ sure that Sir John Hotham, who had kept him out
“ without their order, (he spake of a public order),
“ would have let him in, when they had forbidden
“ him ? And if they had not such a sense of him, (as
“ the case falls out to be), had he not more reason to
“ make propositions to those gentlemen, whose rea-
“ diness and affection he, or his posterity, would never
“ forget ?

“ But this business of Hull sticks still with them ;
“ and finding his questions hard, they are pleased to
“ answer his Majesty, by asking other questions of
“ him : no matter for the exceptions against the Earl
“ of Newcastle, (which have been so often urged, as
“ one of the principal grounds of their fears and jea-
“ loufies ; and which drew that question from him),
“ they asked his Majesty, why, when he held it ne-
“ cessary that a governor should be placed in Hull,
“ Sir John Hotham should be refused by him, and
“ the Earl of Newcastle sent down ? His Majesty an-
“ swered, because he had a better opinion of the Earl
“ of Newcastle than of Sir John Hotham ; and desired
“ to have such a governor over his towns, if he must
“ have any, as should keep them for, and not against
“ him : and if his going down were in a more private
“ way than Sir John Hotham’s, it was because he had
“ not that authority to make a noise, by levying and
“ billeting of soldiers, in a peaceable time, upon his
“ good subjects, as it seemed Sir John Hotham car-
“ ried

“ lied down with him. And the imputation which is
“ cast by the way upon that Earl, to make his repu-
“ tation not so unblemished, as he conceived, and the
“ world believes it to be ; and which, though it was
“ not ground enough for judicial proceeding, (it is
“ wonder it was not), was yet ground enough for sus-
“ picion, must be the case of every subject in Eng-
“ land, (and he wished it went no higher), if every
“ vile aspersion, contrived by unknown hands, upon
“ unknown or unimaginable grounds, which is the
“ way practised to bring any virtuous and deserving
“ men into obloquy, should receive the least credit or
“ countenance in the world.

“ They tell him, their exception to those gentlemen,
“ who delivered their petition to him at York, was that
“ they presumed to take the style upon them of all
“ the gentry and inhabitants of that county ; where-
“ as, they say, so many more of as good quality as
“ themselves, of that county, were of another opi-
“ nion ; and have since, by their petition to his Ma-
“ jesty, disavowed that act. Their information in
“ that point, his Majesty said, was no better than it
“ useth to be ; and they would find, that neither the
“ number or the quality of those who have, or will
“ disavow that petition, was as they imagine ; though
“ too many weak persons were misled (which they
“ did, and would every day more and more under-
“ stand) by the faction, skill, and industry of that
“ true malignant party, of which he did, and had rea-
“ son to complain. They said, they had received no
“ petition of so strange a nature : what nature ? Con-
“ trary to the votes of both Houses : that is, they had
“ received no petition they had no mind to receive.
“ But his Majesty had told them again, and all his

“ good subjects would tell them, that they had received petitions, with joy and approbation, against the votes of both Houses of their predecessors, confirmed and established into laws by the consent of his Majesty, and his ancestors; and allowed those petitions to carry the style, and to seem to carry the desires of cities, towns, and counties, when, of either city, town, or county, very few known or considerable persons had been privy to such petitions: whereas, in truth, the petitions delivered to his Majesty, against which they except, carried not the style of all, but some of the gentry and inhabitants; and implied no other consent, than such as went visibly along with it.

“ But his Majesty was all this while in a mistake; the magazine at Hull was not taken from him. Who told them so? They who assure them, (and whom without breaking their privileges they must believe), that Sir John Hotham’s shutting the gates against his Majesty, and resisting his entrance with armed men, (though he thought it in defiance of him), was indeed in obedience to him, and his authority; and for his service, and the service of the kingdom. He was to let none in, but such as came with his Majesty’s authority, signified by both Houses of Parliament: himself and they had ordered it so. And therefore he kept his Majesty out, only till his Majesty, or he himself, might send for their directions. His Majesty said, he knew not whether the contrivers of that declaration meant, that his good subjects should so soon understand, though it was plain enough to be understood, the meaning of the King’s authority, signified by both Houses of Parliament: but ‘sure the world would now

“ now easily discern in what miserable case he had,
“ by this time, been, (it is bad enough as it is), if he
“ had consented to their bill, or to their ordinance of
“ the militia, and given those men power to have
“ raised all the arms of the kingdom against him, for
“ the common good, by his own authority : would
“ they not, as they had kept him from Hull, by this
“ time have beaten him from York, and pursued him
“ out of the kingdom, in his own behalf ? Nay, might
“ not this munition, which is not taken from him, be
“ employed against him ; not against his authority,
“ signified by both Houses of Parliament, but only
“ to kill those ill counsellors, the malignant party,
“ which is about him, and yet for his good, for the
“ public good, (they would declare it so), and so no
“ treason within the statute of 25 Ed. III ? which, by
“ their interpretation, had left his Majesty, the King
“ of England, absolutely less provided for, in point of
“ safety, than the meanest subject of the kingdom :
“ and every subject of this land (for whose security
“ that law was made, that they may know their duty,
“ and their danger in breaking of it) may be made a
“ traitor when these men please to say, he is so. But
“ did they think that, upon such an interpretation,
“ (upon pretence of authority of book cases and pre-
“ cedents, which, without doubt, they would have
“ cited, if they had been to their purpose), out of
“ which nothing can result, but confusion to King
“ and people, would find any credit with his good
“ subjects ? And that so excellent a law, made both
“ for security of King and people, shall be so eluded,
“ by an interpretation no learned lawyer in England
“ would at this hour, he believed, set under his hand,
“ notwithstanding the authority of that declaration ;

" which, he hoped, shall bring nothing but infamy
" upon the contrivers of it ?

" Now to their privileges : though it be true, they
" say, that their privileges do not extend to treason,
" felony, or breach of the peace, so as to exempt the
" members from all manner of process and trial ; yet
" it doth privilege them in the way or method of
" their trial : the cause must be first brought before
" them, and their consent asked, before you can pro-
" ceed. Why then their privileges extend as far in
" these cases, as in any that are most unquestioned ;
" for no privilege whatsoever exempts them from all
" manner of process and trial, if you first acquaint the
" House with it, and they give you leave to proceed
" by those processes, or to that trial : but, by this
" rule, if a member of either House commit a mur-
" der, you must by no means meddle with him, till
" you have acquainted that House of which he is a
" member, and received their direction for your pro-
" ceeding, assuring yourself, he will not stir from that
" place where you left him, till you return with their
" consent ; should it be otherwise, it would be in the
" power of every man, under the pretence of mur-
" der, to take one after another, and as many as he
" pleafeth ; and so, consequently, bring a Parliament
" to what he pleafeth, when he pleafeth. If a mem-
" ber of either House shall take a purse at York, (he
" may as probably take a purse from a ſubjeſt, as
" arms againſt the King), you muſt ride to London,
" to know what to do, and he may ride with you, and
" take a new purse every ſtage, and muſt not be ap-
" prehended, or declared a felon, till you have asked
" that House, of which he is a member ; ſhould it be
" otherwife, it might be in every man's power to ac-
" cuse

“cuse as many members as he would of taking
“purfes; and so bring a Parliament, and so all Par-
“liaments, to nothing. Would these men be be-
“lieved? And yet they make no doubt but every
“one, who hath taken the protestation, would defend
“this doctrine with his life and fortune. Would not
“his subjects believe, that they had imposed a pretty
“protestation upon them; and that they had a very
“good end in the doing of it, if it obligeth them to
“such hazards, to such undertakings? Must they
“forget or neglect his Majesty’s person, honour, and
“estate, which, by that protestation, they are bound
“to defend; and, in some degree, do understand?
“And must they only venture their lives and fortunes
“to justify privileges they know not, or ever heard
“of before? Or are they bound by that protestation
“to believe, that the framers of that declaration have
“power to extend their own privileges, as far as they
“think fit; and to contract his Majesty’s rights, as
“much as they please; and that they are bound to
“believe them in either, and to venture their lives
“and fortunes in that quarrel?

“From declaring how mean a person his Majesty
“is, and how much the kingdom hath been mistaken
“in the understanding of the statute of the 25 E. III.
“concerning treason, and that all men need not fear
“levying war against him, so they have their order
“to warrant them; they proceed, in the spirit of de-
“claring, to certify his subjects in the mistakings,
“which, near one hundred and fifty years, have been
“received concerning the statute of the 2 Hen. VII.
“ch. 1. (a statute all good subjects will read with
“comfort), and tell them, that the serving of the
“King for the time being cannot be meant of Perkin
“Warbeck,

" Warbeck, or of any that should call himself King ;
" but such a one as is allowed and received by the
" Parliament in the behalf of the kingdom : and was
" not his Majesty so allowed ? However, through a
" dark mist of words, and urging their old privileges,
" (which, he hoped, he had sufficiently answered,
" and will be every day more confuted by the actions
" of his good subjects), they conclude, that those that
" shall guide themselves by the judgment of Parlia-
" ment, which they say is their own, ought, whatso-
" ever happen, to be secure, and free from all account
" and penalties, upon the ground and equity of that
" very statute : how far their own chancellors may
" help them in that equity, his Majesty knew not ;
" but by the help of God, and that good law, he
" would allow no such equity : so then, there is the
" doctrine of that declaration ; and these are the posi-
" tions of the contrivers of it.

1. That they have an absolute power of declaring the law ; and that whatsoever they declare to be so, ought not to be questioned by his Majesty, or any subject : so that all right and safety of him and his people must depend upon their pleasure.

2. That no precedents can be limits to bound their proceedings : so they may do what they please.

3. That the Parliament may dispose of any thing, wherein the King or subject hath a right, for the public good ; that they, without the King, are this Parliament, and judge of this public good ; and that his Majesty's consent is not necessary : so the life and liberty of the subject, and all the good laws made for the security of them, may be disposed of, and repealed by the major part of both Houses at any time present,

and

and by any ways and means procured so to be ; and his Majesty had no power to protect them.

4. That no member of either House ought to be troubled or meddled with for treason, felony, or any other crime, without the cause first brought before them, that they may judge of the fact, and their leave obtained to proceed.

5. That the sovereign power resides in both Houses of Parliament ; and that his Majesty had no negative voice : so then his Majesty himself must be subject to their commands.

6. That the levying of forces against the personal commands of the King, though accompanied with his presence, is not levying war against the King ; but the levying war against his laws and authority, (which they have power to declare, and signify), though not against his person, is levying war against the King : and that treason cannot be committed against his person, otherwise than as he is entrusted with the kingdom, and discharging that trust ; and that they have a power to judge, whether he discharges that trust or no.

7. That if they should make the highest precedents of other Parliaments their patterns, there would be no cause to complain of want of modesty or duty in them ; that is, they may depose his Majesty when they will, and are not to be blamed for so doing.

“ And now, (as if the mere publishing of their
“ solutions would not only prevail with the people,
“ but, in the instant, destroy all spirit and courage in
“ his Majesty to preserve his own right and honour),
“ they had since taken the boldness to assault him
“ with certain propositions ; which they call the most
“ necessary.

“ necessary effectual means for the removing those
“ jealousies and differences between his Majesty and
“ his people ; that is, that he would be content to
“ divest himself of all his regal rights and dignities ;
“ be content with the title of a King, and suffer them,
“ according to their discretion, to govern him and
“ the kingdom, and to dispose of his children. How
“ suitable and agreeable this doctrine and these de-
“ mands were to the affection of his loving subjects,
“ under whose trust these men pretend to say and do
“ these monstrous things ; and to design not only the
“ ruin of his person, but of monarchy itself, (which,
“ he might justly say, was more than ever was offered
“ in any of his predecessors' times ; for though the
“ person of the King hath been sometimes unjustly
“ deposed, yet the regal power was never, before this
“ time, struck at), he believes his good subjects would
“ find some way to let them and the world know :
“ and, from this time, such who had been misled, by
“ their ill counsels, to have any hand in the execu-
“ tion of the militia, would see to what ends their ser-
“ vice was designed ; and therefore, if they should
“ presume hereafter to meddle in it, they must expect,
“ that he would immediately proceed against them as
“ actual raisers of sedition, and as enemies to his so-
“ vereign power.

“ His Majesty said, he had done : and should now ex-
“ pect the worst actions these men had power to commit
“ against him ; worse words they could not give him :
“ and he doubted not, but the major part of both
“ Houses of Parliament, when they might come toge-
“ ther with their honour and safety, (as well those
“ who were surprised at the passing of it, and under-
“ stood not the malice in it, and the confusion that
“ must

" must grow by it, if believed ; as those who were absent, or involved), would so far resent the indignity offered to his Majesty, the dishonour to themselves, " and the mischief to the whole kingdom, by that declaration ; that they would speedily make the foul contrivers of it instances of their exemplary justice ; " and brand them, and their doctrine, with the marks " of their perpetual scorn and indignation."

Whilst this answer and declaration of his Majesty's was preparing and publishing, which was done with all imaginable haste, and to which they made no reply till many months after the war was begun, they proceeded in all their counsels towards lessening his Majesty, both in reputation and power ; and towards the improving their own interests : for the first, upon the advantage of their former vote, of the King's intention to levy war against his Parliament, in the end of May they published orders, " That the Sheriffs of " the adjacent counties should hinder, and make stay " of all arms and ammunition carrying towards York, " until they had given notice thereof unto the Lords " and Commons ; and should have received their further direction ; and that they should prevent the coming together of any soldiers, horse or foot, by any warrant of his Majesty, without their advice or consent :" which they did, not upon any opinion that there would be any arms or ammunition carrying to his Majesty, they having entirely possessed themselves of all his stores ; or that they indeed believed, there was any commission or warrant to raise soldiers, which they well knew there was not ; but that, by this means, their agents in the country (which many Sheriffs and Justices of peace were ; and most Constables, and inferior officers) might, upon this pretence, hinder

hinder the resorting to his Majesty, which they did with that industry, that few persons, who, foreseeing the design of those orders, did not decline the great roads, and made not pretences of travelling to some other place, and travelled in any equipage towards his Majesty, escaped without being stayed by such watches : and most that were so stayed, finding it to no purpose to attend the resolution or justice of the Houses, who always commended the vigilance of their ministers, and did not expect they should be bound up by the letter of their orders, made shift to escape with their own persons, and were contented to leave their horses behind them ; they who attended to be repaired by the justice of the Houses, finding so many delays, and those delays to be so chargeable, and themselves exposed to so many questions, and such an inquisition, that they thought their liberty a great prize, whatever they left behind them.

For the improving their interest and dependence, though they had as much of the affection of the city as could reasonably be expected ; and, by their exercise of the militia, had united them in a firm bond, the communication of guilt ; yet they well understood their true strength consisted in the rabble of the people ; for the greatest part of the substantial and wealthy citizens, being not of their party, and except some expedient were found out, whereby they might be involved, and concerned in their prosperity or ruin, they thought themselves not so much in truth possessed of that city, as they seemed to be. They had heard it said, that Edward IV. of England recovered the city of London, and by that the kingdom, by the vast debts that he owed there ; men looking upon the helping of him to the Crown, as the helping themselves

themselves to their money, which was else desperate. Upon this ground, they had taken the first opportunity of borrowing great sums of them, in the beginning of this Parliament ; when the richest and best affected men, upon a presumption that hereby the Scots army would suddenly march into their own country, and the English as soon be disbanded, cheerfully furnished that money. Upon this ground they still forbore to repay those sums, disposing what was brought in upon the bills of subsidy, and other public bills, to other purposes. And now, to make themselves more sure of them, they borrowed another sum of 100,000. of them, upon pretence of the great exigences of Ireland; which was their two-edged sword, to lead them into the liberty of laying what imputations they thought most convenient for their purposes, upon the King and Queen ; and to draw what money they thought fit from the city ; and served them now to another important end, to raise soldiers ; but that service itself, in order to suppressing the rebellion there, was not, in any degree, advanced. Having, by these means, thus provided for their main ends, they made the people believe they were preparing propositions to send to the King ; and the people were yet so innocent as to believe, that they would never send propositions that were not reasonable : for though the unusual acts which had been done by the King, as the going to the House of Commons, and demanding the members there, had put them into as unusual apprehensions ; and those, by the warmth and heat of declarations and answers, had drawn from them, by degrees, another kind of language, than had before been used ; yet most men believed, when those passions were digested, and that any propositions should be made by them, (which the

King

King had long called for and invited), that they could not but be such, as would open a door for that affection, confidence, duty, and trust, upon which the peace of the kingdom might be reasonably founded. And propositions they did send to the King, in the beginning of June ; which were presented to his Majesty, with great solemnity, by their committee resident there ; which, in this place, are very necessary to be inserted in the very terms in which they were presented, as followeth :

The nineteen propositions sent to the King by both Houses, June 2, 1642.

The humble Petition and Advice of both Houses of Parliament, with nineteen Propositions and the Conclusion, sent unto his Majesty the second of June, 1642.

“ Your Majesty’s most humble and faithful subjects, the Lords and Commons in Parliament, having nothing of their thoughts and desires, more precious and of higher esteem, next to the honour and immediate service of God, than the just and faithful performance of their duty to your Majesty and this kingdom : and being very sensible of the great distractions and distempers, and of the imminent dangers and calamities, which those distractions and distempers are like to bring upon your Majesty, and your subjects ; (all which have proceeded from the subtle informations, mischievous practices, and evil counsels of men disaffected to God’s true religion ; your Majesty’s honour and safety ; and the public peace, and prosperity of your people) ; after a serious observation of the causes of those mischiefs, do, in all humility and sincerity, present to your Majesty their most dutiful petition and advice : that, out of your princely wisdom for the establishing your own honour

“ honour and safety, and gracious tenderness of the
 “ welfare and security of your subjects and domi-
 “ nions, you will be pleased to grant and accept these
 “ their humble desires and propositions, as the most
 “ necessary and effectual means, through God’s blef-
 “ sing, of removing those jealousies and differences,
 “ which have unhappily fallen out betwixt you and
 “ your people, and procuring both your Majesty and
 “ them a constant course of honour, peace, and hap-
 “ piness.

The Propositions.

1. “ That the Lords and others of your Majesty’s
 “ Privy Council, and such great officers and mi-
 “ nisters of state, either at home or beyond the
 “ seas, may be put from your Privy Council, and
 “ from those offices and employments, except-
 “ ing such as shall be approved by both Houses
 “ of Parliament: and that the persons, put into
 “ the places and employments of those that are
 “ removed, may be approved of by both Houses
 “ of Parliament: and that Privy Counsellors
 “ shall take an oath, for the due execution of
 “ their places, in such form as shall be agreed
 “ upon by both Houses of Parliament.
2. “ That the great affairs of the kingdom may not
 “ be concluded, or transacted, by the advice of
 “ private men, or by any unknown, or unsworn
 “ counsellors; but that such matters as concern
 “ the public, and are proper for the high court
 “ of Parliament, which is your Majesty’s great
 “ and supreme council, may be debated, resolved,
 “ and transacted only in Parliament, and not
 “ elsewhere: and such as shall presume to do
 “ any thing to the contrary shall be reserved to

“ the censure and judgment of Parliament : and
“ such other matters of state, as are proper for
“ your Majesty’s Privy Council, shall be debated
“ and concluded by such of the Nobility, and
“ others, as shall, from time to time, be chosen
“ for that place, by approbation of both Houses
“ of Parliament : and that no public act con-
“ cerning the affairs of the kingdom, which are
“ proper for your Privy Council, may be esteemed
“ of any validity, as proceeding from the royal
“ authority, unless it be done by the advice and
“ consent of the major part of the Council, at-
“ tested under their hands : and that your Coun-
“ cil may be limited to a certain number, not
“ exceeding twenty-five, nor under fifteen : and
“ if any Counsellor’s place happen to be void in
“ the interval of Parliament, it shall not be sup-
“ plied without the assent of the major part of
“ the Council ; which choice shall be confirmed
“ at the next sitting of Parliament, or else to be
“ void.

3. “ That the Lord High Steward of England, Lord
“ High Constable, Lord Chancellor, or Lord
“ Keeper of the Great Seal, Lord Treasurer,
“ Lord Privy Seal, Earl Marshal, Lord Admiral,
“ Warden of the Cinque Ports, chief Governor
“ of Ireland, Chancellor of the Exchequer, Ma-
“ ter of the Wards, Secretaries of State, two
“ Chief Justices and Chief Baron, may always
“ be chosen with the approbation of both Houses
“ of Parliament ; and, in the intervals of Parlia-
“ ments, by the assent of the major part of the
“ Council, in such manner as is before expressed
“ in the choice of Counsellors.

4. “ That

4. " That he, or they, unto whom the government
" and education of the King's children shall be
" committed, shall be approved of by both
" Houses of Parliament; and, in the intervals of
" Parliament, by the assent of the major part
" of the Council, in such manner as is before
" exprested in the choice of Counsellors; and
" that all such servants as are now about them,
" against whom both Houses shall have any just
" exceptions, shall be removed.
5. " That no marriage shall be concluded, or treated,
" for any of the King's children, with any fo-
" reign prince, or other person whatsoever.
" abroad or at home, without the consent of
" Parliament, under the penalty of a præmunire,
" unto such as shall conclude or treat of any
" marriage as aforesaid: and that the said penalty
" shall not be pardoned, or dispensed with, but
" by the consent of both Houses of Parliament.
6. " That the laws in force against Jesuits, Priests,
" and Popish Recusants, be strictly put in exe-
" cution, without any toleration, or dispensation
" to the contrary: and that some more effectual
" course may be enacted, by authority of Parlia-
" ment, to disable them from making any dis-
" turbance in the state; or eluding the laws by
" trusts, or otherwise.
7. " That the votes of Popish Lords in the House
" of Peers may be taken away, so long as they
" continue Papists: and that your Majesty will
" consent to such a bill, as shall be drawn, for
" the education of the children of Papists, by
" Protestants, in the Protestant religion.
8. " That your Majesty will be pleased to consent,
" " that

“ that such a reformation be made of the Church-
“ government and Liturgy, as both Houses of
“ Parliament shall advise; wherein they intend
“ to have consultations with Divines, as is ex-
“ pressed in their declaration to that purpose:
“ and that your Majesty will contribute your
“ best assistance to them, for the raising of a suf-
“ ficient maintenance for preaching ministers
“ through the kingdom: and that your Majesty
“ will be pleased to give your consent to laws for
“ the taking away of innovations, and supersti-
“ tion, and of pluralities, and against scandalous
“ ministers.

9. “ That your Majesty will be pleased to rest satis-
“ fied with that course, that the Lords and Com-
“ mons have appointed, for ordering of the mili-
“ tia, until the same shall be further settled by a
“ bill: and that your Majesty will recall your
“ declarations and proclamations against the or-
“ dinance made by the Lords and Commons
“ concerning it.
10. “ That such members of either House of Parlia-
“ ment, as have, during this present Parliament,
“ been put out of any place and office, may
“ either be restored to that place and office, or
“ otherwise have satisfaction for the same, upon
“ the petition of that House, whereof he or they
“ are members.
11. “ That all Privy Counsellors and Judges may
“ take an oath, the form whereof to be agreed on
“ and settled by act of Parliament, for the main-
“ taining of the Petition of Right; and of certain
“ statutes made by this Parliament, which shall
“ be mentioned by both Houses of Parliament;
“ and

“ and that an enquiry of all breaches and violations of those laws may be given in charge by the Justices of the King’s Bench every term, and by the Judges of Assize in their circuits, and Justices of the Peace at the sessions, to be presented and punished according to law.

12. “ That all the Judges, and all the officers, placed by approbation of both Houses of Parliament may hold their places *quamdiu bene se gererint*.
13. “ That the justice of Parliament may pass upon all delinquents, whether they be within the kingdom, or fled out of it: and that all persons cited by either House of Parliament may appear, and abide the censure of Parliament.
14. “ That the general pardon, offered by your Majesty, may be granted with such exceptions, as shall be advised by both Houses of Parliament.
15. “ That the forts and castles of this kingdom may be put under the command and custody of such persons, as your Majesty shall appoint, with the approbation of your Parliament; and, in the intervals of Parliament, with approbation of the major part of the Council, in such manner as is before expressed in the choice of Counsellors.
16. “ That the extraordinary guards, and military forces now attending your Majesty, may be removed and discharged; and that, for the future, you will raise no such guards or extraordinary forces, but, according to the law, in case of actual rebellion, or invasion.
17. “ That your Majesty will be pleased to enter into a more strict alliance with the states of the United Provinces, and other neighbour princes

“ and states of the Protestant religion, for the
“ defence and maintenance thereof, against all
“ designs and attempts of the Pope, and his ad-
“ herents, to subvert and suppress it ; where-
“ by your Majesty will obtain great access of
“ strength and reputation, and your subjects be
“ much encouraged and enabled, in a Parlia-
“ mentary way, for your aid, and assistance, in
“ restoring your royal sister, and her princely is-
“ sue, to those dignities and dominions, which
“ belong unto them ; and relieving the other
“ distressed Protestant princes, who have suf-
“ fered in the same cause.

18. “ That your Majesty will be pleased by act of
“ Parliament to clear the Lord Kimbolton, and
“ the five members of the House of Commons,
“ in such manner that future Parliaments may
“ be secured from the consequence of that evil
“ precedent.

19. “ That your Majesty will be graciously pleased to
“ pass a bill for restraining Peers made hereafter,
“ from sitting or voting in Parliament, unless
“ they be admitted thereunto with the consent of
“ both Houses of Parliament.

“ And these our humble desires being granted
“ by your Majesty, we shall forthwith apply our-
“ selves to regulate your present revenue, in such
“ sort as may be for your best advantage ; and like-
“ wise to settle such an ordinary and constant increase
“ of it, as shall be sufficient to support your royal dig-
“ nity in honour, and plenty, beyond the proportion
“ of any former grants of the subjects of this king-
“ dom to your Majesty’s royal predecessors : we shall
“ likewise

“ likewise put the town of Hull into such hands, as
“ your Majesty shall appoint with the consent and
“ approbation of Parliament ; and deliver up a just
“ account of all the magazine ; and cheerfully employ
“ the uttermost of our power and endeavours, in the
“ real expression, and performance of our most duti-
“ ful and loyal affections, to the preserving and main-
“ taining the royal honour, greatness, and safety of
“ your Majesty, and your posterity.”

The same day that these articles of deposition were passed the Houses, that his Majesty might see how unable he was like to be to contend with them, they declared by an order the same day, printed, and carefully dispersed, “ that they had received information,” (and indeed their informations were wonderful particular, from all parts beyond sea, of whatsoever was agitated on the King’s behalf; as well as from his court, of whatsoever was designed, or almost but thought of to himself: besides they could pretend to receive information of whatsoever would any way conduce to their purpose, true or false), “ that the “ jewels of the crown (which, they said, by the law “ of the land ought not to be aliened) were either “ pawned or sold in Amsterdam, or some other parts “ beyond seas; and thereby great sums of money pro- “ vided to be returned to York, or to some of his Ma- “ jesty’s servants or agents, for his Majesty’s use : and “ because, they said, it was more than probable, that “ great provision of moneys, in such an extraordinary “ way, was to maintain the intended war against the “ Parliament, and thereby to bring the whole king- “ dom into utter ruin, and combustion ; it was there- “ fore declared, by the Lords and Commons in Par-

Order of
the two
Houses
against
pawning
the jewels
of the
crown.

" liament, that whosoever had been, or should be, an
 " actor in the selling or pawning of any jewels of the
 " crown ; or had, or should pay, lend, send, or bring
 " any money in specie into this kingdom, for or
 " upon any of those jewels ; or whosoever had, or
 " should accept of any bill from beyond the seas for
 " the payment of any sum of money, for or upon any
 " of those jewels, and should pay any sum according
 " to such bill, after notice of that order, without ac-
 " quainting that House with the receipt of that bill,
 " before he accept the same ; or if he had already ac-
 " cepted any such bill, then with the acceptance there-
 " of, before the payment of the money, every such
 " person should be held and accounted a promoter
 " of that intended war, an enemy to the state, and
 " ought to give satisfaction for the public damage out
 " of his own estate."

Upon this confident assumption, " that it was not
 " in the King's power to dispose the jewels of the
 " crown ; that whatsover jewels were offered to be
 " pawned or sold, by any of the King's ministers be-
 " yond the seas, were the jewels of the crown, and no
 " other ; and that all money, returned from thence
 " for his Majesty's service, was money so raised and
 " procured ;" they so much terrified men of all con-
 ditions, that the Queen, having, by the sale of some
 of her own jewels, and by her other dexterity, procured
 some money for the King's supply, could not, in a
 long time, find any means to transmit it. However,
 this made no impression upon the King's resolution ;
 and though it might have some influence upon mer-
 chantly men, yet it stirred up most generous minds to
 an indignation on the King's behalf ; and was new
 evidence, if there had wanted any, what kind of great-
 ness

ness he was to expect from complying with such immodest and extravagant proposers.

The King was once resolved to have returned no answer to them upon those propositions; but to let the people alone to judge of the unreasonableness of them, and of the indignity offered to him in the delivery of them; and that was the reason of the short mention he made of them, in the close of his declaration to theirs of the twenty-sixth of May: but he was afterwards persuaded to vouchsafe a further notice of them, there being some particulars popular enough, and others, that, at the first view, seemed not altogether so derogatory to him, and so inconvenient to the people, as in truth they were; and that therefore it was necessary to let the people know, that whatsoever was reasonable, and might be beneficial to the kingdom, had been for the most part before offered by his Majesty; and should all be readily granted by him; and so to unfold the rest to them, that they might discern their own welfare, and security, to be as much endangered by those demands, as the King's rights, honour, and dignity: so that, in a short time after he received them, he sent to the two Houses, and published to the kingdom, his answer to those nineteen propositions, whereof it will be sufficient to repeat some few particulars:

“ In which he first remembered them of their me-
 “ thod, they had observed in their proceedings to-
 “ wards him: that they had first totally suppressed
 “ the known law of the land, and denied his power to
 “ be necessary to the making new, reducing the
 “ whole to their own declarations, and single votes:
 “ that they had possessed themselves of his maga-
 “ zines, forts, and militia: that they had so awed his
 “ subjects

The substance of his
answer to the nineteen propositions.

" subjects with pursuivants, long chargeable attendance ; heavy censures ; illegal imprisonments ; that few of them durst offer to present their tenderness of his Majesty's sufferings, their own just grievances, and their sense of those violations of the law, (the birth-right of every subject of the kingdom), though in an humble petition to both Houses : and if any did, it was stifled in the birth ; called sedition ; and burned by the common hangman : that they had restrained the attendance of his ordinary and necessary household servants ; and seized upon those small sums of money, which his credit had provided to buy him bread ; with injunctions, that no money should be suffered to be conveyed, or returned to his Majesty to York, or to any of his Peers, or servants with him ; so that, in effect, they had blocked him up in that county : that they had filled the ears of his people with fears and jealousies, (though taken up upon trust), tales of skippers, salt fleets, and such like ; by which alarms they might prepare them to receive such impressions, as might best advance their design, when it should be ripe. And now, it seemed, they thought his Majesty sufficiently prepared for those bitter pills ; that he was in a handsome posture to receive those humble desires ; which, probably, were intended to make way for a supererogation of a yet higher nature ; for they did not tell him, this was all. He said, he must observe, that those contrivers, (the better to advance their true ends), in those propositions disguised, as much as they could, their intents with a mixture of some things really to be approved by every honest man ; others, specious and popular ; and some which were already granted by his

“ his Majesty : all which were cunningly twisted and
“ mixed with those other things of their main design,
“ of ambition and private interest, in hope that, at
“ the first view, every eye might not so clearly dis-
“ cern them in their proper colours.

“ His Majesty said, if the 1, 2, 3, 4, 5, 9, 10, 15,
“ 16, 19, demands had been writ, and printed, in a
“ tongue unknown to his Majesty and his people, it
“ might have been possible, that he and they might
“ have charitably believed the propositions to be such,
“ as might have been in order to the ends pretended
“ in the petition ; to wit, the establishment of his ho-
“ nour and safety ; the welfare and security of his
“ subjects and dominions ; and the removing those
“ jealousies and differences, which were said to have
“ unhappily fallen betwixt his Majesty and his people ;
“ and procuring both his Majesty and them a con-
“ stant course of honour, peace, and happiness : but
“ being read and understood by all, he could not but
“ assure himself, that that profession, joined to those
“ propositions, would rather appear a mockery, and a
“ scorn ; the demands being such, that he were un-
“ worthy of the trust reposed in him by the law, and of
“ his descent from so many great and famous ances-
“ tors, if he could be brought to abandon that power,
“ which alone could enable him to perform what he
“ was sworn to, in protecting his people, and the
“ laws ; and so assume others into it, as to divest
“ himself of it, although not only his present condi-
“ tion were more necessitous than it was, (which it
“ could hardly be), and he were both vanquished, and
“ a prisoner, and in a worse condition than ever the
“ most unfortunate of his predecessors had been re-
“ duced to, by the most criminal of their subjects ;
“ and

" and though the bait laid to draw him to it, and to
" keep his subjects from indignation at the mention
" of it, the promises of a plentiful and unparalleled
" revenue, were reduced from generalls (which signify
" nothing) to clear and certain particulars ; since
" such a bargain would have but too great a resem-
" blance of that of Esau's, if he would part with such
" flowers of his crown, as were worth all the rest of
" the garland, and had been transmitted to him from
" so many ancestors, and had been found so useful and
" necessary for the welfare and security of his sub-
" jects, for any present necessity, or for any low and
" sordid considerations of wealth and gain. And there-
" fore, all men knowing that those accommodations
" are most easily made, and most exactly observed,
" that are grounded upon reasonable and equal con-
" ditions, his Majesty had great cause to believe, that
" the contrivers of those propositions had no inten-
" tion of settling any firm accommodation ; but to
" increase those jealousies, and widen that division,
" which, not by his Majesty's fault, was now unhap-
" pily fallen between him and both Houses.

" It was asked, that all Lords and others of his
" Privy Council, and such great officers and ministers
" of state, either at home or beyond the seas, (for, he
" said, care was taken to leave out no person or place,
" that his dishonour might be sure not to be bounded
" within this kingdom), should be put from his Privy
" Council, and from those offices and employments,
" unless they should be approved by both Houses of
" Parliament, how faithful soever his Majesty had
" found them to him, and to the public ; and how far
" soever they had been from offending against any
" law, the only rule they had, or any others ought to
" have,

“ have, to walk by. His Majesty therefore to that
“ part of that demand returned this answer ; That he
“ was willing to grant, that they should take a larger
“ oath, than they themselves desired in their eleventh
“ demand, for maintaining not of any part, but the
“ whole law. And, he said, he had, and did assure
“ them, that he would be careful to make election of
“ such persons in those places of trust, as had given
“ good testimonies of their abilities and integrities,
“ and against whom there could be no just cause of
“ exception, whereon reasonably to ground a diffi-
“ dence : that if he had, or should be mistaken in his
“ election, he had, and did assure them, that there
“ was no man so near to him, in place or affection,
“ whom he would not leave to the justice of the law,
“ if they should bring a particular charge, and suffi-
“ cient proof against him : that he had given them a
“ triennial Parliament, (the best pledge of the effects
“ of such a promise on his part, and the best security
“ for the performance of their duty on theirs), the ap-
“ prehension of whose justice would, in all probabi-
“ lity, make them wary how they provoked it, and
“ his Majesty wary, how he chose such as, by the
“ discovery of their faults, might in any degree
“ seem to discredit his election ; but that without
“ any shadow of a fault objected, only perhaps be-
“ cause they follow their consciences, and preserve
“ the established laws, and agree not in such votes, or
“ assent not to such bills, as some persons, who had
“ then too great an influence even upon both Houses,
“ judged, or seemed to judge, to be for the public
“ good, and as were agreeable to that new Utopia of
“ religion and government, into which they endea-
“ voured to transform this kingdom, (for, he said, he
“ remembered what names, and for what reasons, they
“ left

“ left out in the bill offered him concerning the militia, which they had themselves recommended in the ordinance), he would never consent to the displacing of any, whom for their former merits from, and affection to his Majesty and the public, he had entrusted ; since, he conceived, that to do so would take away both from the affection of his servants, and care of his service, and the honour of his justice : and, he said, he the more wondered that it should be asked by them, since it appears by the twelfth demand, that themselves counted it reasonable, after the present turn was served, that the judges and officers, who were then placed, might hold their places, *quamdiu se bene gesserint* : and he was resolved to be as careful of those whom he had chosen, as they were of those they would choose ; and to remove none, till they appeared to him to have otherwise behaved themselves, or should be evicted, by legal proceedings, to have done so.

“ But, his Majesty said, that demand, as unreasonable as it was, was but one link of a great chain, and but the first round of that ladder, by which his Majesty’s just, ancient, regal power was endeavoured to be fetched down to the ground ; for it appeared plainly that it was not with the persons now chosen, but with his Majesty’s choosing, that they were displeased : for they demanded, that the persons put into the places and employments of those, who should be removed, might be approved by both Houses ; which was so far from being less than the power of nomination, that of two things, of which he would never grant either, he would sooner be content, that they should nominate, and he approve, than they approve, and his Majesty nominate ;

“ nate ; the mere nomination being so far from being
“ any thing, that if he could do no more, he would
“ never take the pains to do that ; when he should
“ only hazard whom he esteemed to the scorn of a re-
“ fusal, if they happened not to be agreeable not only
“ to the judgment, but to the passion, interest, or hu-
“ mour of the present major part of either House :
“ not to speak of the great factions, animosities, and
“ divisions, which that power would introduce in both
“ Houses, and in the several counties for the choice of
“ persons to be sent to that place, where that power
“ was ; and between the persons that were so chosen.
“ Neither was that strange potion prescribed to him
“ only for once, for the cure of a present, pressing,
“ desperate disease ; but for a diet to him, and his
“ posterity. It was demanded, that his counsellors,
“ all chief officers both of law and state, commanders
“ of forts and castles, and all peers hereafter made,
“ be approved of, that is chosen, by them from time
“ to time : and rather than it should ever be left to
“ the Crown, (to whom it only did and should be-
“ long), if any place fall void in the intermission of
“ Parliament, the major part of the approved Council
“ was to approve them. Neither was it only de-
“ manded that his Majesty should quit the power and
“ right his predecessors had had of appointing persons
“ in those places ; but for Counsellors, he was to be
“ restrained, as well in the number as in the persons ;
“ and a power must be annexed to those places, which
“ their predecessors had not. And, indeed, if that power
“ were passed to them, he said, it would not be fit he
“ should be trusted to choose those, who were to be
“ trusted as much as himself.

“ He told them, to grant their demands in the
“ manner

“ manner they proposed them, that all matters that
“ concerned the public, &c. should be resolved, and
“ transacted only in Parliament, and such other mat-
“ ters of state, &c. by the Privy Council so chosen,
“ was in effect at once to depose himself, and his pos-
“ terity. He said, many expressions in their demands
“ had a greater latitude of signification, than they
“ seemed to have; and that it concerned his Majesty
“ therefore the more, that they should speak out;
“ that both he, and his people, might either know the
“ bottom of their demands, or know them to be bot-
“ tomless. Nothing more concerned the public, and
“ was indeed more proper for the high court of Par-
“ liament, than the making of laws; which not only
“ ought there to be transacted, but could be trans-
“ acted no where else. But then they must admit
“ his Majesty to be a part of the Parliament; they
“ must not (as the sense was of that part of that de-
“ mand, if it had any) deny the freedom of his an-
“ swer, when he had as much right to reject what he
“ thought unreasonable, as they had to propose what
“ they thought convenient, or necessary. Nor was it
“ possible his answers, either to bills, or any other
“ propositions, should be wholly free, if he might not
“ use the liberty, that every one of them, and every
“ subject took, to receive advice (without their dan-
“ ger who should give it) from any person known or
“ unknown, sworn or unsworn, in those matters in
“ which the manage of his vote is trusted, by the law,
“ to his own judgment and conscience; which how-
“ best to inform was, and ever should be, left likewise
“ to him. He said, he would always, with due con-
“ sideration, weigh the advices both of his Great, and
“ Privy Council: yet he should likewise look on their
“ advices,

“ advices, as advices, not as commands, or impositions ; upon them, as his counsellors, not as his tutors, or guardians ; and upon himself, as their king, “ not as their pupil, or ward : for, he said, whatsoever of regality was, by the modesty of interpretation, left in his Majesty, in the first part of the second demand, as to the Parliament, was taken from him in the second part of the same, and placed in that new-fangled kind of counsellors, whose power was such, and so expressed by it, that in all public acts concerning the affairs of the kingdom, which are proper for the Privy Council, (for whose advice all public acts are sometimes proper, though never necessary), they were desired to be admitted joint patentees with his Majesty in the regality. And it was not plainly expressed, whether they meant his Majesty so much as a single vote in those affairs ; but it was plain they meant him no more, at most, than a single vote in them, and no more power, than every one of the rest of his fellow counsellors.”

And so after a sharp discourse, and explanation of the unreasonableness of the several demands, or the greatest part of them, and the confusion that, by consenting thereunto, would redound to the subject in general, as well as the dishonour to his Majesty, (which may be read at large by itself), he told them, “ to all those unreasonable demands, his answer was, *Nolumus leges Angliae mutari* : but renewed his promise to them, for a very punctual and strict observation of the known laws established ; to which purpose he was willing an oath should be framed by them, and taken by all his Privy Counsellors. And for any alteration in the government of the Church, that a national synod should be called, to propose

“ what should be found necessary or convenient : and
“ that, for the advancement of the Protestant religion
“ against the Papists, they had not proposed so much
“ to his Majesty, as he was willing to grant, or as
“ he had himself offered before. He concluded with
“ conjuring them, and all men, to rest satisfied with
“ the truth of his Majesty’s professions, and the reality
“ of his intentions ; and not to ask such things as
“ denied themselves : that they would declare against
“ tumults, and punish the authors : that they would
“ allow his Majesty his property in his towns, arms,
“ and goods ; and his share in the legislative power ;
“ which would be counted in him not only breach of
“ privilege, but tyranny, and subversion of Parlia-
“ ments, to deny to them : and, when they should have
“ given him satisfaction upon those persons, who had
“ taken away the one, and recalled those declarations,
“ (particularly that of the twenty-sixth of May ; and
“ those in the point of the militia, his just rights
“ wherein he would no more part with, than with his
“ crown, lest he enabled others by them to take that
“ from him), which would take away the other ; and
“ declined the beginnings of a war against his Ma-
“ jesty, under pretence of his intention of making one
“ against them ; as he had never opposed the first
“ part of the thirteenth demand, so he would be ready
“ to concur with them in the latter ; and being then
“ confident that the credit of those men, who desire
“ a general combustion, would be so weakened with
“ them, that they would not be able to do this
“ kingdom any more hurt, he would be willing to
“ grant his general pardon, with such exceptions as
“ should be thought fit ; and should receive much
“ more joy in the hope of a full and constant happi-
“ ness

"ness of his people in the true religion, and under
"the protection of the law, by a blessed union be-
"tween his Majesty and his Parliament, than in any
"such increase of his own revenue, how much soever
"beyond former grants, as (when his subjects were
"wealthiest) his Parliament could have settled upon
"his Majesty."

Though the King now lived at York in a much more princely condition, than he could have hoped to have done near London ; and had so great a train and resort of the nobility and gentry, that there was not left a fifth part of the House of Peers at Westminster ; and truly I do not believe, that there was near a moiety of the House of Commons who continued there ; yet his Majesty made no other use, for the present, of their presence with him, and of their absence from the two Houses, than to have so many the more, and the more credible witnesses of his counsels and carriage ; and to undeceive the people by his clear answers to all the scandals and reproaches which were laid on him, and by his ample professions and protestations of his sincere zeal to religion and justice ; and to make it appear to them, how far the quality and the number of those who thought, or seemed to think, otherwise, was, from what they might imagine it to be. And it cannot be denied, but the people were every day visibly reformed in their understandings, from the superstitious reverence they had paid the two Houses ; and grew sensible of their duty to the King, and of those invasions which were offered to his regal dignity.

On the other side, the two Houses slackened not their pace a jot, proceeded with great and unusual sharpness against those members who were gone to

the King; proclaiming some of them by name “to be enemies to the kingdom,” and, by a formal judgment, sentencing nine Peers together, “to be incapable of sitting again in Parliament, whilst this should continue:” the House of Commons having carried up an impeachment of misdemeanors against them, (which was as illegal in point of justice, and as extravagant in point of privilege, as any thing they could do), “for being absent, and refusing to attend, upon a summons from the House of Peers:” and upon their own members they imposed a fine of 100l. apiece, on every one who was gone to the King, and upon those, who being in other places, they thought were well affected to his service: yet, lest they should upon this proceeding return again, to disturb and cross their counsels, they provided, “that no man, upon whom that sentence fell, should sit again in the House (though he paid his fine) till he had been examined by a committee, and so given the House satisfaction in the cause of his absence.” And, by those means, they thought both to remove the scandal, that so many members were absent, and to prevent any inconvenience too, that might befall them by their return. For they well knew, if the members of both Houses were obliged to a constant and strict attendance, it would not be possible that they could compass their mischievous designs.

Propositions
and orders
of both
Houses for
bringing in
money and
plate for
maintain-
ing horse,
&c June
10, 1642.

Then they prosecuted their great busines of the militia, not only near London, where they were in no danger of opposition, but in those northern counties near his Majesty, as Leicestershire, Cheshire, Lincolnshire, where whosoever refused to give obedience to them, or published the King’s proclamation against their proceedings, (for the King had yet practised no expedient

expedient to prevent the growth of that mischief, but the publishing his proclamation against it), were sent for as delinquents; and not satisfied herewith, that they might be as well able to pay an army, as they found they should be to raise one, on the tenth of June (for the time will be very necessary to be remembered, that it may be the better stated, who took up the defensive arms) they published propositions,

" for the bringing in of money or plate to maintain
" horse, horsemen, and arms, for the preservation of
" the public peace, and for the defence of the King
" and both Houses of Parliament; the reasons and
" grounds whereof they declared to be the King's in-
" tention to make war against his Parliament; that,
" under pretence of a guard for his person, he had
" actually begun to levy forces, both of horse and
" foot; and sent out summons throughout the county
" of York, for the calling together of greater num-
" bers; and some ill affected persons, in other parts,
" had been employed to raise troops, under the colour
" of his Majesty's service; making large offers of re-
" ward and preferment to such as would come in:
" that his Majesty did, with a high and forcible hand,
" protect and keep away delinquents, not permitting
" them to make their appearance to answer such af-
" fronts and injuries, as had been by them offered to
" the Parliament; and those messengers, which had
" been sent from the Houses for them, had been
" abused, beaten, and imprisoned, so as the orders
" of Parliament, the highest court of justice in the
" realm, were not obeyed; and the authority of it was
" altogether scorned and vilified; and such persons
" as stood well affected to it, and declared themselves
" sensible of those public calamities, and of the viola-

“ tions of the privileges of Parliament, and common
“ liberty of the subject, were baffled, and injured by
“ several sorts of malignant men, who were about the
“ King; some whereof, under the name of Cavaliers,
“ without having respect to the laws of the land, or
“ any fear either of God or man, were ready to com-
“ mit all manner of outrage and violence; which must
“ needs tend to the dissolution of the government;
“ the destruction of their religion, laws, liberties, pro-
“ perties; all which would be exposed to the malice
“ and violence of such desperate persons, as must be
“ employed in so horrid and unnatural an act, as the
“ overthrowing a Parliament by force; which was
“ the support and preservation of them. Those par-
“ ticulars, they said, being duly considered by the
“ Lords and Commons, and how great an obligation
“ lay upon them, in honour, conscience, and duty,
“ according to the high trust reposed in them to use
“ all possible means, in such cases, to prevent so great
“ and irrecoverable evils, they had thought fit to
“ publish their sense and apprehension of that immi-
“ nent danger; thereby to excite all well-affected per-
“ sons to contribute their best assistance, according to
“ their solemn vow and protestation, to the prepara-
“ tions necessary for the opposing and suppressing
“ of the traitorous attempts of those wicked and ma-
“ lignant counsellors, who sought to engage the King
“ in so dangerous and destructive an enterprise, and
“ the whole kingdom in a civil war; and destroy the
“ privileges and being of Parliaments.

“ This recourse to the good affections of those,
“ that tender their religion and just liberties, and the
“ enjoyment of the blessed fruits of this present Par-
“ liament, which were almost ready to be reaped, and
“ were

“ were now as ready to be ruined by those wicked
“ hands, being, they said, the only remedy left them
“ under God ; and without which they were no lon-
“ ger able to preserve themselves, or those by whom
“ they were entrusted : therefore they declared, that
“ whosoever would bring in any proportion of ready
“ money or plate, or would underwrite to furnish and
“ maintain any number of horse, horsemen, and arms,
“ for the preservation of the public peace, and for
“ the defence of the King, and both Houses of Par-
“ liament, from force and violence, and to uphold
“ the power and privileges of Parliament, according to
“ his protestation ; it should be held a good and ac-
“ ceptable service to the commonwealth, and a testi-
“ mony of his good affection to the Protestant reli-
“ gion, the laws, liberties, and peace of the kingdom ;
“ and to the Parliament, and privileges thereof. And
“ they further declared, that whosoever brought in
“ money or plate, or furnished and maintained horse,
“ horsemen, and arms, upon these propositions, and to
“ those purposes, should be repaid their money with
“ interest of eight *per cent* ; for which they did en-
“ gage the public faith, and they appointed the Guild-
“ hall in London for the place whither this money
“ or plate should be brought ; and four Aldermen of
“ London to be their treasurers for the receiving the
“ same ; and likewise other confiding men to re-
“ ceive and prize such horses and arms, as should be
“ brought in for their service. And, lastly, for their
“ better encouragement, the members of both Houses
“ appointed a solemn day to set down their own sub-
“ scriptions ;” which they performed liberally.

Most of those who abhorred their impious designs,
not thinking it lawful for them to be present at such

consultations, withdrew before the day came, or absented themselves then. But many had the courage to be present, and stoutly to refuse what they thought they could not honestly consent to. Sir Henry Killigrew, who was a remarkable enemy to all their devices, being called upon, told them, “ if there were “ occasion, he would provide a good horse, and a “ good sword ; and made no question but he should “ find a good cause.” But, within very few days, both he, and all those who were taken notice of for refusing, found it safest for them to leave the town ; there being very visibly great animosity against them both within and without the walls. And a gentleman of good quality assured me afterwards, that, within few days after he had refused to subscribe, he was privately advised by one of the other faction, who yet retained some kindness to him, “ to leave the “ town, lest his brains were beaten out by the boys in “ the streets.” And many of those who too impotently desired not to be looked upon as refractory persons, and had pleased themselves with subscribing more articulately for the defence of the King’s person, found it afterwards necessary to supply whatsoever they had subscribed, to be employed that way as was declared to be for the defence of the King’s person, whatsoever their intention was at first, or their opinion after. And it is hardly credible, what a vast proportion of plate was brought in to their treasurers within ten days ; there being hardly men enough to receive it, or room to lay it in ; and the throng being so great of the bringers, that, in two days attendance, many could not be discharged of their seditious offerings. And, the very next day after these propositions, they further ordered, “ that there should be a “ strict

" strict search and examination made by the justices
" of peace, mayors, bailiffs, and constables, near all
" the northern roads, for the seizing all horses for ser-
" vice in the wars, or great saddles, that should be
" carried towards the north parts of England, without
" the privity or direction of one or both Houses of
" Parliament;" which was a great improvement of
their former order, which extended only to arms and
ammunition ; though, the truth is, the dexterity and
spirit of their ministers, who knew their meaning,
made the former almost as inconvenient and dangerous
to passengers, as the latter.

It was by many impatiently wondered at then, and, no doubt, will be more censured hereafter, that, notwithstanding all these invasions, and breaches upon the regal power, and all these vast preparations to destroy him, the King, hitherto, put not himself into a posture of safety ; or provided for the resistance of that power which threatened him ; and which, he could not but know, intended whatsoever it hath since done : and though they had not yet formed an army, and chosen a general, yet, he well knew, they had materials abundantly ready for the first, and particular, digested resolutions in the second ; which they could reduce to public acts, whensover they pleased. It is very true, he did know all this, and the unspeakable hazards he run, in not preparing against it. But the hazards, which presented themselves unto him on the other side, were not less prodigious : he had a very great appearance of the Nobility ; and not only of those, who had from the beginning walked and governed themselves by the rules the law prescribed, and, in that respect, were unblameable to King and people ; but of others, who had passionately and peevishly
(to

(to say no worse) concurred in all the most violent votes and actions, which had been done from the beginning : for, besides the Lord Spencer, (who had been chosen their Lieutenant of Northamptonshire, but was recovered to a right understanding, of which he was very capable, by his uncle the Earl of Southampton), the Lord Paget likewise, who had contributed all his faculties to their service, and to the prejudice of the King's, from before the beginning of the Parliament ; had been one of their teizers to broach those bold high overtures soberer men were not, at first, willing to be seen in ; and had been, as a man most worthy to be confided in, chosen Lord Lieutenant of one of the most confiding counties, the county of Buckingham, (where he had, with great solemnity and pomp, executed their ordinance, in defiance of the King's proclamation), and had subscribed a greater number of horses for their service, upon their propositions, than any other of the same quality ; convinced in his conscience, fled from them, and besought the King's pardon : and, for the better manifesting the tenderness of his compunction, and the horror he had of his former guilt, he frankly discovered whatsoever he had known of their counsels ; and aggravated all the ill they had done, with declaring it to be done to worse and more horrid ends, than many good men believed to be possible for them to propose to themselves.

Notwithstanding, this glorious convention was rather an ornament to his court, than any great advantage to his counsels ; and the use of them more to discredit the small remainder at Westminster, and that the people might see the number and quality of the dissenters, than that they contrived any thing to the active improvement of his affairs ; every man thinking it

high

high merit in him, that he absented himself from the company and place, where all the mischief was done ; and that the keeping himself negatively innocent, was as much as he owed his King and country. I am willing to impute it to the drowsy and unactive genius of the kingdom, (contracted by long ease and quiet), which so much abhorred the thoughts of a civil war, that it thought a lively and vigorous preparation against it, was to invite it : and there were very few of all the great Lords, who did attend upon the King, who did not declare, “ that the Parliament “ durst not in truth (whatever shews they made in “ hope to shake his Majesty’s constancy) make a war; “ and if they should attempt it, the people would “ unanimously rise for the King, who would be most “ safe by not intending his own safety. Whereas, if “ he raised forces, the Parliament would procure “ themselves to be believed, that it was to overthrow “ religion, and suppress the laws and liberties of the “ people.” They who were of another opinion, and could have spoken more reason, held it not safe to express themselves but in the King’s own ear ; there being in the great council of the Peers, who, for state, were frequently assembled, and by whom in truth the King then desired to have transacted all things of moment, some who were not good counsel-keepers, and others who were looked upon, and believed to be spies upon the rest. But that which made the thought of raising forces (whatever arguments there were for it) absolutely unreasonable, was, that the King had no possibility to procure either arms, or munition, but from Holland ; from whence he daily expected supply : and till that arrived, let his provocations and sufferings

sufferings be what they could be, he was to submit, and bear it patiently.

In the mean time, for a ground of further proceeding upon occasion, the King desired the Peers in council to set down in writing the affronts and violence, which had been offered to them at London, by which their presence in the great council of the kingdom was rendered both unsafe and dishonourable ; the which they the more willingly condescended to, for that the London pamphlets already aspersed them, as deserters of the Parliament, and betrayers of the liberty of their country : an instrument being drawn up, and agreed upon between them, in which they set down “ the tumults, and the violence offered to “ particular persons in those tumults ; the threats and “ menaces of the rabble at the doors of the House, “ when they had a mind any exorbitant thing should “ pass ; the breach and violation of the old orders “ and rules of Parliament, whilst matters were in de-“ bate, and the resuming matters again in a thin “ House ; and reversing, waving, or contradicting re-“ solutions made in a full House : and, lastly, Mr. “ Hollis’s coming to the bar, and demanding the “ names of those Lords who refused to consent to the “ militia, when the multitude without menaced and “ threatened all those dissenters : ” after which, they said, “ they conceived they could not be present “ there with honour, freedom, or safety ; and there-“ fore forbore to be any more present ; and so all “ those votes, conclusions, and declarations had passed, “ which had begot those distractions throughout the “ kingdom.” And this they delivered to the King, signed under their hands. And yet, (which is a suf-
ficient

ficient instance how unendued men were with that spirit and courage, which was requisite), the next day after the delivery, many Lords came to his Majesty, and besought him, “ that he would by no means publish that paper, but keep it in his own hands ; ” some of them saying, “ that, if it were published, they “ would disavow it : ” so that material and weighty evidence, which then might have been of sovereign use to the King, was rendered utterly ineffectual to his service ; his Majesty finding it necessary to engage his princely word to them, “ never to make it “ public without their consent ; ” which he performed most punctually ; and so, to this day, it was never divulged.

To make some little amends for this want of mettle, (for it proceeded from nothing else, they being most shy in subscribing, and most passionate against publishing, who were of unquestionable affection to his Majesty, and integrity to his cause), and that the world might see there was a combination among good men, to assist his Majesty in the defence of the law, as well as there was against both by others ; upon the King’s declaring himself fully in council, where all the Peers were present, “ that, “ as he would not require or exact any obedience from them, but what should be warranted “ by the known law of the land ; so he did expect “ that they would not yield to any commands not legally grounded, or imposed by any other : that he “ would defend every one of them, and all such as “ should refuse any such commands, whether they “ proceeded from votes and orders of both Houses, “ or any other way, from all dangers and hazards “ whatsoever. That his Majesty would defend the

His Majesty's declaration to the Lords attending him at York, June 13, 1642.

“ true

" true Protestant religion, established by the law of
 " the land ; the lawful liberties of the subjects of
 " England ; and just privileges of all the three estates
 " of Parliament ; and would require no further obe-
 " dience from them, than as accordingly he should
 " perform the same : and his Majesty did further de-
 " clare, that he would not, as was falsely pretended,
 " engage them, or any of them, in any war against
 " the Parliament ; except it were for his necessary
 " defence and safety, against such as did insolently
 " invade or attempt against his Majesty, or such as
 " should adhere to his Majesty :" all the Peers en-

The pro-
mise of the
Lords and
others
thereupon.

gaged themselves, " not to obey any orders or com-
 " mands whatsoever, not warranted by the known
 " laws of the land ; and to defend his Majesty's per-
 " son, crown, and dignity, together with his just and
 " legal prerogative, against all persons and power
 " whatsoever : that they would defend the true Pro-
 " testant religion, established by the law of the land ;
 " the lawful liberties of the subject of England ; and
 " just privileges of his Majesty, and both his Houses
 " of Parliament : and, lastly, they engaged themselves
 " not to obey any rule, order, or ordinance whatso-
 " ever, concerning any militia, that had not the royal
 " assent."

This being subscribed by their Lordships was, with their consent, immediately printed, and carefully divulged over the kingdom, bearing date at York the thirteenth of June, 1642, with the names of the subscribers. Two days after, his Majesty in council taking notice of the rumours spread, and informations given, which might induce many to believe, that his Majesty intended to make war against his Parliament, " professed before God, and said, he declared to all
 " the

“ the world, that he always had, and did abhor all His Majesty’s decla-
 “ such designs, and desired all his Nobility and Coun- ration and
 “ cil, who were there upon the place, to declare, whe- profession of June 15,
 “ ther they had not been witnesses of his frequent and 1642, dis-
 “ earnest declarations and professions to that purpose : avowing any inten-
 “ whether they saw any colour of preparation or raisings of war.
 “ counsels, that might reasonably beget a belief of
 “ any such design ; and whether they were not fully
 “ persuaded, that his Majesty had no such intention :
 “ but that all his endeavours, according to his many
 “ professions, tended to the firm and constant settle-
 “ ment of the true Protestant religion ; the just pri-
 “ vileges of Parliament ; the liberty of the subject ;
 “ the law, peace, and prosperity of this kingdom.”

Whereupon all the Lords and Counsellors present unanimously agreed, and did sign a paper in these words :

“ We, whose names are under written, in obedience The decla-
 “ to his Majesty’s desire, and out of the duty which ration and
 “ we owe to his Majesty’s honour, and to truth, being profes-
 “ sion of the Lords
 “ here upon the place, and witnesses of his Majesty’s and Coun-
 “ sellors to the same
 “ frequent and earnest declarations and professions of effect.
 “ his abhorring all designs of making war upon his
 “ Parliament ; and not seeing any colour of prepara-
 “ tions or counsels, that might reasonably beget the
 “ belief of any such designs, do profess before God,
 “ and testify to all the world, that we are fully per-
 “ suaded that his Majesty hath no such intention :
 “ but that all his endeavours tend to the firm and
 “ constant settlement of the true Protestant religion ;
 “ the just privileges of Parliament ; the liberty of the
 “ subject ; the law, peace, and prosperity of this
 “ kingdom.” Which testimony and declaration was
 subscribed by

Ld. Littleton, Ld. Keeper.	Duke of Richmond.	Earl of Lindsey.
Marquis of Hertford.	Earl of Cumberland.	Earl of Bath.
Earl of Southampton.	Earl of Salisbury.	Earl of Dorset.
Earl of Devonshire.	Earl of Cambridge.	Earl of Northampton.
Earl of Clare.	El. of Westmoreland.	Earl of Bristol.
Earl of Monmouth.	Earl Rivers.	Earl of Berkshire.
Earl of Carnarvan.	Earl of Newport.	Earl of Dover.
Lord Willoughby of Eresby.	Ld. Grey of Ruthin.	Ld. Mowbray, and Martravers.
Lord Newark.	Lord Pawlett.	Lord Howard of Charleton
Lord Rich.	Lord Savil.	Lord Lovelace.
Lord Coventry.	Lord Dunsmore.	Lord Mohun.
Lord Capel.		Lord Seymour.
Lord Falkland.	Sir P. Wich, Controller.	Secretary Nicholas.
	Sir J. Colepepper, Chan. Exch.	Ld. Ch. Justice Banks.

This testimony of the Lords and Counsellors was immediately printed, and published, together with a declaration of his Majesty's; in which he said,

His Majef-
ty's declara-
tion there-
upon.

“ That though he had, in the last seven months,
 “ met with so many several encounters of strange and
 “ unusual declarations, under the name of both his
 “ Houses of Parliament, that he should not be amazed
 “ at any new prodigy of that kind ; and though their
 “ last of the twenty-sixth of May gave him a fair
 “ warning that, the contrivers of it having spent all
 “ their stock of bitter and reproachful language upon
 “ him, he was now to expect they should break out
 “ into some bold and disloyal actions against him :
 “ and, having by that declaration, as far as in them
 “ lay, divested his Majesty of that preeminence and
 “ authority, which God, the law, the custom and
 “ consent of this nation had placed in him, and as-
 “ sumed it to themselves, that they should likewise,
 “ with expedition, put forth the fruits of that su-
 “ preme power, for the violating and suppressing the
 “ other which they despised, (an effect of which re-
 “ solution, he said, their declaration against his pro-
 “ clamation concerning the pretended ordinance for
 “ the

“ the militia, and their punishing of the proclaimers
“ appeared to be), yet, he must confess, in their last
“ attempt (he said, he spoke of the last he knew ;
“ they might probably since, or at that present, have
“ outdone that too) they had outdone what his Ma-
“ jesty had conceived was their present intention.
“ And whosoever heard of propositions, and orders,
“ for bringing in of money or plate to maintain horse,
“ and horsemen, and arms, for the preservation of
“ the public peace, or for the defence of the King
“ and both Houses of Parliament, (such was their de-
“ clarations, or what they please to call it, of the tenth
“ of June), would surely believe the peace of the
“ kingdom to be extremely shaken ; and, at least, the
“ King himself to be consulted with, and privy to
“ those propositions. But, he said, he hoped, that
“ when his good subjects should find, that that
“ goodly pretence of defending the King, was but a
“ specious bait to seduce weak and inconsiderate men
“ into the highest acts of disobedience and disloyalty
“ against his Majesty, and of violence and destruc-
“ tion upon the laws and constitutions of the king-
“ dom, they would no longer be captivated by an im-
“ plicit reverence to the name of both Houses of Par-
“ liament ; but would carefully examine and confi-
“ der what number of persons were present ; and
“ what persons were prevalent in those consultations ;
“ and how the debates were probably managed, from
“ whence such horrid and monstrous conclusions did
“ result ; and would at least weigh the reputation,
“ wisdom, and affection of those, who were nota-
“ rioufly known, out of the very horror of their pro-
“ ceedings, to have withdrawn themselves ; or, by

“ their skill and violence to be driven from them,
“ and their councils.

“ His Majesty said, whilst their fears and jealousies
“ did arise, or were infused into the people, from
“ discourses of the rebels in Ireland, of skippers at
“ Rotterdam, of forces from Denmark, France, or
“ Spain, (how improbable and ridiculous soever that
“ bundle of information appeared to all wise and
“ knowing men), it was no wonder if the easiness to
“ deceive, and the willingness to be deceived, did
“ prevail over many of his weak subjects to believe,
“ that the dangers, which they did not see, might
“ proceed from causes which they did not under-
“ stand: but for them to declare to all the world,
“ that his Majesty intended to make war against his
“ Parliament, (whilst he sat still complaining to God
“ Almighty of the injury offered to him, and to the
“ very being of Parliaments), and that he had already
“ begun actually to levy forces both of horse and
“ foot, (whilst he had only, in a legal way, provided
“ a smaller guard for the security of his own person
“ so near a rebellion at Hull, than they had, without
“ lawful authority, above these eight months, upon
“ imaginary and impossible dangers), to impose upon
“ his people’s sense, as well as their understanding, by
“ telling them his Majesty was doing that which they
“ saw he was not doing, and intending that, they all
“ knew, as much as intentions could be known, he
“ was not intending, was a boldness agreeable to no
“ power but the omnipotency of those votes, whose
“ absolute supremacy had almost brought confusion
“ upon the King and people; and against which no
“ knowledge in matter of fact, or consent and autho-
“ rity

" rity in matter of law, they would endure should be
" opposed.

" His Majesty said, he had, upon all occasions,
" with all possible expreſſions, professed his firm and
" unſhaken resolutions for peace. And, he ſaid, he
" did again, in the preſence of Almighty God, his
" Maker and Redeemer, affure the world, that he had
" no more thought of making war againſt his Parlia-
" ment, than againſt his own children: that he would
" obſerve and maintain the acts affented to by him
" this Parliament without violation; of which, that
" for the frequent aſſembling of Parliaments was one:
" and that he had not, nor would have, any thought
" of uſing any force; unleſs he ſhould be driven to
" it, for the ſecurity of his perſon, and for the defence
" of the religion, laws, and liberty of the kingdom,
" and the juſt rights and privileges of Parliament:
" and therefore he hoped the malignant party, who
" had ſo much diſpiled his perſon, and uſurped his
" office, ſhould not, by their ſpecious fraudulent
" iñſinuations, prevail with his good ſubjects to give
" credit to their wicked aſſertions; and ſo to contri-
" buite their power and aſſiſtance for the ruin and
" deſtruclion of themſelves, and his Maſteſty.

" For the guard about his perſon, (which, he ſaid,
" not ſo much their example, as their provocation,
" had enforced him to take), it was known it con-
" fifted of the prime gentry, in fortune and reputa-
" tion, of that country; and of one regiment of
" Trained Bands; who had been ſo far from offering
" any affronts, injuries, or disturbance to any of his
" good ſubjects, that their principal end was to pre-
" vent ſuch; and ſo, might be ſecurity, could be no
" grievance to his people. That ſome ill affected

“ persons, or any persons, had been employed in other
“ parts to raise troops, under colour of his Majesty’s
“ service ; or that such had made large, or any, of-
“ fers of reward and preferment to such as would
“ come in, which had been alleged by them ; was, he
“ said, for ought he knew, or believed, an untruth,
“ devised by the contrivers of that false rumour. His
“ Majesty disavowed it, and said, he was confident
“ there would be no need of any such art, or industry,
“ to induce his loving subjects, when they should see
“ his Majesty oppressed, and their liberties and laws
“ confounded, (and till then he would not call on
“ them), to come in to him, and to assist him.

“ For the delinquents, whom his Majesty was said
“ with a high and forcible hand to protect, he wished
“ they might be named, and their delinquency : and
“ if his Majesty gave not satisfaction to justice, when
“ he should have received satisfaction concerning Sir
“ John Hotham by his legal trial, then let him be
“ blamed. But if the design were, as it was well
“ known to be, after his Majesty had been driven by
“ force from his city of London, and kept by force
“ from his town of Hull, to protect all those who
“ were delinquents against him, and to make all those
“ delinquents who attended on him, or executed his
“ lawful commands, he said, he had great reason to be
“ satisfied in the truth and justice of such accusation,
“ left to be his Majesty’s servant, and to be a delin-
“ quent, grew to be terms so convertible, that, in a
“ short time, he were left as naked in attendance, as
“ they would have him in power ; and so compel
“ him to be waited upon only by such whom they
“ should appoint and allow ; and in whose presence
“ he should be more miserably alone, than in desola-
“ tion

“tion itself. And if the seditious contrivers and fo-
“menters of that scandal upon his Majesty should
“have, as they had had, the power to mislead the
“major part present of either or both Houses, to
“make such orders, and send such messages and
“messengers, as they had lately done, for the appre-
“henſion of the great Earls and Barons of England,
“as if they were rogues or felons ; and whereby per-
“sons of honour and quality were made delinquents,
“merely for attending upon his Majesty, and upon
“his summons ; whilst other men were forbid to
“come near him, though obliged by the duty of their
“place and oaths, upon his lawful commands : it was
“no wonder if such messengers were not very well
“intreated ; and such orders not well obeyed ; nei-
“ther could there be a surer or a cunniger way
“found out to render the authority of both Houſes
“scorned and vilified, than to assume to themselves
“(merely upon the authority of the name of Parlia-
“ment) a power monstrous to all understandings ;
“and to do actions, and to make orders, evidently
“and demonstrably contrary to all known law and
“reafon, (as to take up arms against his Majesty, un-
“der colour of defending him ; to cause money to be
“brought in to them, and to forbid his own money
“to be paid to his Majesty, or to his use, under co-
“lour that he would employ it ill ; to beat him, and
“starve him for his own good, and by his power and
“authority), which would in ſhort time make the
“greatest court, and greatest person, cheap and of no
“eſtimation.

“Who thoſe ſenſible men were of the public cala-
“mities, of the violations of the privileges of Parlia-
“ment, and the common liberty of the ſubjeſt, who

“ had been baffled, and injured by malignant men;
“ and Cavaliers about his Majesty, his Majesty said,
“ he could not imagine. And if those Cavaliers
“ were so much without the fear of God and man,
“ and so ready to commit all manner of outrage
“ and violence, as was pretended; his Majesty’s go-
“ vernment ought to be the more esteemed, which had
“ kept them from doing so; insomuch as he believed,
“ no person had cause to complain of any injury, or
“ of any damage, in the least degree, by any man
“ about his Majesty, or who had offered his service to
“ him. All which being, he said, duly considered,
“ if the contrivers of those propositions and orders
“ had been truly sensible of the obligations, which
“ lay upon them in honour, conscience, and duty, ac-
“ cording to the high trust reposed in them by his
“ Majesty, and his people, they would not have pub-
“ lished such a sense and apprehension of imminent
“ danger, when themselves, in their consciences,
“ knew that the greatest, and indeed only danger,
“ which threatened the Church and State, the blessed
“ religion and liberty of his people, was in their own
“ desperate and seditious designs; and would not
“ have endeavoured, upon such weak and groundless
“ reasons, to seduce his good subjects from their af-
“ fection and loyalty to him, to run themselves into
“ actions unwarrantable, and destructive to the peace
“ and foundation of the commonwealth.

“ And that all his loving subjects might see, how
“ causeless and groundless that scandalous rumour,
“ and imputation of his Majesty’s raising war upon his
“ Parliament, was, he had, with that his declaration,
“ caused to be printed the testimony of those Lords,
“ and other persons of his council, who were there
“ with

“ with him ; who, being upon the place, could not
“ but discover such his intentions and preparations ;
“ and could not be suspected for their honours and
“ interests to combine in such mischievous and hor-
“ rid resolutions.

“ And therefore, his Majesty said, he straitly
“ charged and commanded all his loving subjects,
“ upon their allegiance, and as they would answer the
“ contrary at their perils, that they should yield no
“ obedience or consent to the said propositions and
“ orders ; and that they presume not under any such
“ pretences, or by colour of any such orders, to raise
“ or levy any horse or men, or to bring in any mo-
“ ney, or plate, to such purpose. But, he said, if, not-
“ withstanding that clear declaration, and evidence of
“ his intentions, those men (whose design it was to
“ compel his Majesty to raise war upon his Parlia-
“ ment ; which all their skill and malice should never
“ be able to effect) should think fit, by those alarms,
“ to awaken him to a more necessary care of the de-
“ fence of himself, and his people ; and should them-
“ selves, under colour of defence, in so unheard of a
“ manner provide (and seduce others to do so too)
“ to offend his Majesty, having given him so lively a
“ testimony of their affections, what they were wil-
“ ling to do, when they should once have made them-
“ selves able ; all his good subjects would think it
“ necessary for his Majesty to look to himself. And
“ he did therefore excite all his well affected people,
“ according to their oaths of allegiance and suprema-
“ cy, and according to their solemn vow and pro-
“ testation, (whereby they were obliged to defend his
“ person, honour, and estate), to contribute their best
“ assistance to the preparations necessary for the op-

“ posing and suppressing of the traitorous attempts
“ of such wicked and malignant persons ; who would
“ destroy his person, honour, and estate, and engage
“ the whole kingdom in a civil war, to satisfy their
“ own lawless fury and ambition ; and so rob his
“ good subjects of the blessed fruit of this present
“ Parliament ; which they already in some degree
“ had, and might still reap, to the abundant satisfac-
“ tion and joy of the whole kingdom, if such wicked
“ hands were not ready to ruin all their possessions,
“ and frustrate all their hopes. And, in that case, his
“ Majesty declared, that whosoever, of what degree or
“ quality soever, should then, upon so urgent and vi-
“ sible necessity of his, and such apparent distraction
“ of the kingdom, caused and begotten by the malice
“ and contrivance of that malignant party, bring in
“ to his Majesty, and to his use, ready money, or
“ plate ; or should underwrite to furnish any number
“ of horse, horsemen, and arms, for the preservation
“ of the public peace, and defence of his person, and
“ the vindication of the privilege and freedom of Par-
“ liament, he would receive it as a most acceptable
“ service, and as a testimony of his singular affection
“ to the Protestant religion, the laws, liberties, and
“ peace of the kingdom ; and would no longer desire
“ the continuance of that affection, than he would be
“ ready to justify and maintain the other with the
“ hazard of his life.”

And so concluded with the same overtures they had done, in their propositions for the loan of money at interest ; “ offering, for the security thereof, an assurance of such his lands, forests, parks, and houses, as should be sufficient for the same ; a more real security, he said, than the name of public faith,
“ given

" given without him, and against him ; as if his
" jesty were not part of the public : and besides, he
" would always look upon it as a service most affec-
" tionately and seasonably performed for the prefer-
" vation of his Majesty, and the kingdom. But, he
" said, he should be much gladder that their submis-
" sion to those his commands, and their desisting
" from any such attempt of raising horse or men,
" might ease all his good subjects of that charge,
" trouble, and vexation."

It will be wondered at hereafter, when, by what hath been said, the number and quality of the Peers is considered, who, by absenting themselves from the House, and their resort to his Majesty, sufficiently declared, that they liked not those conclusions which begot those distractions ; why both those Peers, and likewise such members of the Commons, who then, and afterwards, appeared in the King's service, and were indeed full, or very near one moiety of that House, did not rather, by their diligent and faithful attendance in the Houses, according to their several trusts reposed in them, discountenance and resist those pernicious and fatal transactions, than, by withdrawing themselves from their proper stations, leave the other (whose ruinous intentions were sufficiently discovered) possessed of the reputation, authority, and power of a Parliament ; by which, it was evident, the people would be easily, to a great degree, seduced. And though the observing reader may, upon the collection of the several passages here set down, be able to answer those objections to himself ; I am the rather induced, in this place, to apply myself to the clearing that point, because not only many honest men, who, at a distance, have considered it, without being privy to

to the passages within the walls, and those breaches which fatally destroyed and took away the liberty and freedom of those councils, have been really troubled or unsatisfied with that desertion, as they call it, of the service to which they were incumbent, and chosen ; but that I have heard some, who were the chief, if not the sole promoters of those violations, and the most violent designs, and have since (out of the ruptures, which have proceeded from their own animosities) either been, or been thought to be, more moderately inclined, complain, “ that the withdrawing of so many members from the two Houses was “ the principal cause of all our calamities.” And they who have been the true authors of them, and still continue the same men, have taken pains to make and declare the others, “ deserters of their country, “ and betrayers of their trusts, by their voluntary “ withdrawing themselves from that council.”

In the doing whereof, I shall not, I cannot, make any excuse for those, (of whom somewhat is before spoken), who, from the beginning of this Parliament, and in the whole progress of it, either out of laziness, or negligence, or incogitancy, or weariness, forbore to give their attendance there, when the number of those who really intended these prodigious alterations was very inconsiderable ; and daily drew many to their opinions, upon no other ground than that the number of the dissenters appeared not equally diligent, and intent upon their assertions : neither can I excuse the Peers, the moderate part whereof being four for one, suffered themselves to be confounded, and persuaded, and threatened out of their rights by a handful of men, whom they might, in the beginning, easily have crushed ; whereas in the House of Commons the great

great managers were men of notable parts, much reputation, admirable dexterity; pretenders to severe justice and regularity; and then the number of the weak, and the wilful, who naturally were to be guided by them, always made up a major part; so that, from the beginning, they were always able to carry whatsoever they set their hearts visibly upon; at least, to discredit or disgrace any particular man, against whom they thought necessary to proceed, albeit of the most unblemished reputation, and upon the most frivolous suggestions; so that they could not but be very formidable, in that House, to all but the most abstracted men from all vulgar considerations.

But, I am confident, whosoever diligently revolves the several passages in both Houses, from the time of the publishing the first remonstrance, upon his Majesty's return from Scotland, to the time of which we last speak, must be of opinion, that the resorting of so many members then to his Majesty, (from whom all the Lords, and some of the Commons, received commands to that purpose), or to such places, where they thought they might be of greatest use to his Majesty, in preservation of the peace of the kingdom, was not only an act of duty, but of such prudence and discretion, as sober and honest men were to be guided by. In the House of Peers, the Bishops, who had as much right to sit there, and were as much members of Parliament as any Lord there, were first, by direct violence and force, a great part of them, driven and kept from thence, till the bill, for the total expulsion of the whole order from those seats, was passed; such of the Peers, who were most remarkable for adhering to the government of the Church, being, in the mean time, threatened publicly by the rabble; and some

of their persons assaulted. The business of the militia had been twice, upon solemn debate in a full House, rejected there ; till such force and violence was brought to the very doors, such expostulations and threats delivered within the doors against those who refused to concur with them in that business, that no man had reason to believe his life out of danger from those rude hands, who was taken notice of for an opposer of their unreasonable desires ; some of them having been declared enemies to their country, for having refused what was in their power lawfully to refuse ; and others having been criminally accused by the Commons, for words spoken by them in debates of the House of Peers ; after which many of them were sent for, by special letters, to attend his Majesty, (which letters were always thought to be a good, and warrantable, and sufficient ground to be absent from the House ; nor had such summons, from the beginning of Parliaments to this present, ever been neglected), with whom they had not been many weeks, but two of them, as hath been mentioned before, upon an untrue and extravagant information, without further examination, were declared enemies to the kingdom ; and nine others by solemn judgment, upon an impeachment brought up by the Commons against them, only for being absent, and for what only concerned the privilege and jurisdiction of the Peers, were disabled to sit in the House again during this session ; so that, if they would have returned, they were actually excluded that council.

In the House of Commons, the case was worse : first, they who had, with that liberty which is essential to Parliaments, and according to their understandings, dissented, or declared a dislike of what the violent

violent party so vehemently pursued, were, as hath been said before, declared enemies to their country ; and their names posted up in paper, or parchment, at most eminent places, under some opprobrious character ; which, though it was not avowed, and had no authority from the House by any public act, yet, being complained of, was neither redressed, nor was the complaint so countenanced, that it could be concluded the violation was unacceptable : so, though the tumults were not directly summoned or assembled, it is evident, by what hath been before set forth truly and at large, that they found there visible countenance and encouragement.

Then, what had been, upon full and solemn debates in a full House, rejected, was many times, in a thin House, and at unusual and unparliamentary hours, resumed, and determined contrary to the former conclusions : yet men satisfied themselves with doing what they thought their duty, and reasonably opposing what the major part ordered to be done ; hoping that men's understandings would be shortly better informed ; and that, though high and irreverent expressions and words were sometimes used against the King, there would be abstaining from unlawful and dangerous actions ; and that the House of Peers, at least, would never be brought to join or concur in any act prejudicial to the sovereign power. But when they saw a new way found out by the dexterity of the major part in the House of Commons, to make the minor part of the Lords too hard for the major ; and so, whilst all men were transported with jealousy of the breach of privilege of Parliament by the King, that there was, by the Houses themselves, an absolute rooting up of all privileges : that from

metaphysical

metaphysical considerations, what *might* be done in case of necessity, the militia of the kingdom was actually seized on ; and put under a command contrary to, and against, the King's command : that there was then a resolution taken, by those who could act their resolutions when they pleased, to make a General, and to oblige all the members to live and die with that General ; which will be anon more particularly mentioned ; (for that resolution was well known before the time, that those many members removed to York, and withdrew to other places ; and was executed within three or four days after) ; men thought it high time to look to their innocence, and (since, by the course and orders of that House, they could leave no monument or evidence of their dissenting, as the Lords might, by their protestations upon any unlawful act, or resolution) to declare their dislike of what was done, by not being present at the doing : and it was reasonably thought, there being no other way peaceably and securely to do it, that the kingdom, understanding the number of those that were present at such new transactions, and weighing the quality, number, and reputation of those who were absent, would be best induced to prefer the old laws of the kingdom, before the new votes (destructive to those laws) of those few men, who called themselves the two Houses of Parliament ; and that it would prove a good expedient to work upon the consciences and modesty of those who staid behind, to conclude it necessary, by some fair addresses to his Majesty, to endeavour such a general good understanding, that a perfect union might be made ; and the privilege, dignity, and security of Parliament be established according to the true and just constitution of it.

It is true, how reasonably soever it might be expected, it produced not that ingenuity ; but they who had been troubled with the company of them that afterwards withdrew, and, by the opposition they made, could not make that expedition in the mischief they intended, were glad they were rid of them ; yet, shortly, considering what influence indeed it might have upon understanding men, they found a way to cast a reproach upon those who were absent, and yet to prevent any inconvenience to themselves by their return ; publishing an order, “ that all the members “ absent should appear at such a day, under the pena-“ nalty of paying each 100l. fine for his absence ; “ and whosoever did not appear at that day” (which gave not time enough to any who were at a distance) “ should not presume to sit in the House, before he had “ paid his fine, and satisfied the House with the cause “ of his absence ;” so that all those who were with the King, and very many more, who had really withdrawn themselves to refresh their minds, or upon necessary affairs of their own, with a purpose to return, clearly discerned themselves excluded from fitting any more there ; it being sufficiently manifest, that the cause of their absence would never be approved, if their persons were disliked, and their opinions disapproved : which appeared quickly ; for the day was no sooner past, but they, without the least warrant of precedent, or colour of right, expelled very many, sometimes twenty a day, not only of those who were with the King, but of others who had given them equal distaste ; and ordered new writs to issue out to choose other members in their rooms.

It cannot be denied but some very honest and entire men staid still there, and opposed all their unjustifiable

fiable proceedings with great courage, and much liberty of speech ; which was more frankly permitted to them than had been before, when the number of the dissenters was greater ; and it may be there are still some who satisfy themselves that they have performed their duty, by always having denied to give their consent to whatsoever hath been seditiously or illegally concluded. But I must appeal to the consciences of those very men, whether they have not been many times, by staying there, compelled or terrified to do, and submit to, many acts contrary to their conscience, in cases of conscience ; and contrary to their judgment and knowledge, in matters of law and right ; and contrary to their oaths and duties, in matters of allegiance ; and whether, if they had refused so to do, they should not have been plundered, expelled, and committed to prison ? And then they cannot be thought to have proceeded unreasonably, who, to preserve their innocence, and their liberty, chose to undergo all the other censures and difficulties which could befal them, and which have been since plentifully poured upon them. But to return.

The King had, at this time, called to him some judges, and lawyers of eminency ; by whose advice he published a declaration concerning the militia, and asserted “ the right of the Crown in granting commissions of array, for the better ordering and governing thereof ;” and, at the same time, issued out those commissions to all counties, “ expressly forbidding any obedience to be given to the ordinance for the militia by both Houses, under the penalty of high treason.” This only improved the paper-combat in declarations ; either party insisting, “ that the law was on their side ;” and the people giving obedience

obedience to either, according to their conveniences : and many did believe, that if the King had resorted to the old known way of Lord Lieutenants, and Deputy Lieutenants, his service would have been better carried on ; the commission of array being a thing they had not before heard of, though founded upon an ancient act of Parliament in the reign of Hen. IV. and so was received with jealousy, and easily discredited by the glosses and suggestions of the Houses.

Besides that some men of very good affections to the Crown, and averse enough to the extravagant pretences and proceedings of the Parliament, did not conceal their prejudice to the commission of array, as not warranted by law ; which did very much work upon other men, and made the obedience less cheerful than was given to that service. Mr. Selden had, in the debate upon that subject in the House of Commons, declared himself very positively, and with much sharpness, against the commission of array, as a thing expressly without any authority of law ; the statute upon which it was grounded being, as he said, repealed ; and discoursed very much of the ill consequences, which might result from submitting to it : he answered the arguments which had been used to support it ; and easily prevailed with the House not to like a proceeding, which they knew was intended to do them hurt, and to lessen their authority. But his authority and reputation prevailed much further than the House, and begot a prejudice against it in many well affected men without doors. When the King was informed of it, he was much troubled, having looked upon Mr. Selden as well disposed to his service. And the Lord Falkland, with his Majesty's leave, writ a friendly letter to Mr. Selden, “ to know

" his reason, why, in such a conjuncture, whatever
" his opinion were, he would oppose the submission
" to the commission of array, which nobody could
" deny to have had its original from law, and which
" many learned men still believed to be very legal, to
" make way for the establishment of an ordinance,
" which had no manner of pretence to right." He
answered this letter very frankly ; as a man who be-
lieved himself in the right upon the commission of
array, and that the arguments he had used against it
could not be answered ; summing up some of those
arguments in as few words as they could be compre-
hended in : but then he did as frankly inveigh against
the ordinance for the militia, " which, he said, was
" without any shadow of law, or pretence of prece-
" dent, and most destructive to the government of the
" kingdom : and he did acknowledge, that he had
" been the more inclined to make that discourse in
" the House against the commission, that he might
" with the more freedom argue against the ordinance ;
" which was to be considered upon a day then ap-
" pointed : and was most confident, that he should
" likewise overthrow the ordinance : which, he con-
" fessed, could be less supported ; and he did believe,
" that it would be much better, if both were rejected,
" than if either of them should stand, and remain un-
" controlled." But his confidence deceived him ; and
he quickly found, that they who suffered themselves
to be entirely governed by his reason, when those
conclusions resulted from it, which contributed to
their own designs, would not be at all guided by it, or
submit to it, when it persuaded that which contra-
dicted and would disappoint those designs : and so,
upon the day appointed for the debate of their ordi-
nance,

nance, when he applied all his faculties to the convincing them of the illegality and monstrousness of it, by arguments at least as clear and demonstrable as his former had been, they made no impression upon them ; but were easily answered by those who with most passion insisted upon their own sense. He had satisfied them very well, when he concurred with them in judgment ; but his reasons were weak, when they crossed their resolutions. So most men are deceived in being too reasonable ; concluding that reason will prevail upon those men to submit to what is right and just, who have no other consideration of right or justice, but as it advances their interest, or complies with their humour and passion. And so easy it hath always been to do harm, and to mislead men, and so hard to do good, and reduce them to reason.

These paper-skirmishes left neither side better inclined to the other ; but, by sharpening each other, drew the matter nearer to an issue. The King had written a letter to the Mayor and Aldermen of London, and to the Masters and Wardens of each company ; by which, “ he assured them of his desire of “ the peace of the kingdom ; and therefore required “ them, as they tendered their charter of the city, “ and their own particular welfares, not to bring in “ horses, money, or plate, upon the propositions of “ the Houses ; whereby, under pretence of raising a “ guard for the Parliament, forces would be levied, “ and, in truth, employed against his Majesty :” of which the Houses taking notice, published a declaration The Parliament's declaration to the city upon a letter from the King to the Ld. Mayor and Alder-men.

“ intended to use force against those who submitted to
“ the ordinance of the militia ; and that he had like-
“ wise some intention of making an attempt upon Hull.
“ In both which cases they did declare, that what-
“ soever violence should be used, either against those
“ who exercise the militia, or against Hull, they could
“ not but believe it as done against the Parliament.
“ They told them, that the dangerous and mischiev-
“ ous intentions of some about his Majesty were such,
“ that whatsoever was most precious to men of con-
“ science and honour, as religion, liberty, and public
“ safety, were like to be overwhelmed and lost in the
“ general confusion and calamity of the kingdom ;
“ which would not only question, but overthrow the
“ charter of the city of London ; expose the citizens,
“ their wives and children, to violence and villainy ;
“ and leave the wealth of that famous city as a prey
“ to those desperate and necessitous persons : and
“ therefore they forbid all the officers to publish that
“ paper, as they would answer their contempt to the
“ Parliament ; by the power and authority of which,
“ they assured them, they should be protected, and
“ secured in their persons, liberties, and estates, for
“ whatsoever they should do by their advice or per-
“ suasion.”

The King's
reply. To this the King replied, “ That he wondered, since
“ they had usurped the supreme power to themselves,
“ they had not taken upon them the supreme style
“ too ; and directed their very new declaration to
“ their trusty and well-beloved, their subjects of the
“ city of London : for it was too great and palpable a
“ scorn, to persuade them to take up arms against his
“ person, under colour of being loving subjects to his
“ office ; and to destroy his person, that they might
“ preserve

“ preserve the King : that he was beholding to them,
“ that they had explained to all his good subjects the
“ meaning of their charge against his Majesty, that
“ by his intention of making war against his Parlia-
“ ment, no more was pretended to be meant, but his
“ resolution not to submit to the high injustice and
“ indignity of the ordinance for the militia, and the
“ busines of Hull. He said, he had never concealed
“ his intentions in either of those particulars, (he
“ wished they would deal as clearly with him), but
“ had always, and did now declare, that that pretend-
“ ed ordinance was against the law of the land; against
“ the liberty and property of the subject ; destructive
“ to sovereignty ; and therefore not consistent with
“ the very constitution and essence of the kingdom,
“ and the right and privilege of Parliament : that he
“ was bound by his oath (and all his subjects were
“ bound by theirs of allegiance and supremacy, and
“ their own protestation lately taken, to assist his Ma-
“ jesty) to oppose that ordinance, which was put al-
“ ready in execution against him, not only by train-
“ ing and arming his subjects, but by forcibly remov-
“ ing the magazine, from the place trusted by the
“ county, to their own houses, and guarding it there
“ with armed men. Whither it would be next re-
“ moved, and how used by such persons, he knew
“ not.

“ That the keeping his Majesty out of Hull by Sir
“ John Hotham, was an act of high treason against
“ his Majesty ; and the taking away his magazine
“ and munition from him, was an act of violence
“ upon his Majesty, by what hands or by whose di-
“ rection soever it was done : and, in both cases, by
“ the help of God, and the law, his Majesty said, he

“ would have justice, or lose his life in the requiring
“ it ; the which he did not value at that rate, as to
“ preserve it with the infamy of suffering himself to
“ be robbed, and spoiled of that dignity he was born
“ to. And if it were possible for his good subjects to
“ believe, that such a defence of himself, with the
“ utmost power and strength he could raise, was mak-
“ ing a war against his Parliament, he did not doubt,
“ however it should please God to dispose of him in
“ that contention, but the justice of his cause would,
“ at the last, prevail against those few malignant spi-
“ rigs, who, for their own ends, and ambitious designs,
“ had so misled and corrupted the understandings of
“ his people. And since neither his own declaration,
“ nor the testimony of so many of his Lords, then
“ with his Majesty, could procure credit with those
“ men, but that they proceeded to levy horse, and to
“ raise money and arms against his Majesty, he said,
“ he was not to be blamed, if after so many gracious
“ expostulations with them, upon undeniable princi-
“ ples of law and reason, (which they answered only
“ by voting that which his Majesty said, to be nei-
“ ther law, nor reason ; and so proceeded actually to
“ levy war upon his Majesty, to justify that which
“ could not be otherwise defended), at last he made
“ such provision, that as he had been driven from
“ London, and kept from Hull, he might not be sur-
“ prised at York ; but be in a condition to resist, and
“ bring to justice those men, who would persuade his
“ people that their religion was in danger, because
“ his Majesty would not consent it should be in their
“ power to alter it by their votes ; or their liberty in
“ danger, because he would allow no judge of that
“ liberty, but the known law of the land : yet, he
“ said,

“ said, whatever provision he should be compelled to
“ make for his security, he would be ready to lay
“ down, as soon as they should revoke the orders by
“ which they had made levies, and submitted those
“ persons, who had detained his towns, carried away
“ his arms, and put the militia in execution, contrary
“ to his proclamation, to that trial of their innocence,
“ which the law had directed, and to which they were
“ born: if that were not submitted to, he should,
“ with a good conscience, proceed against those who
“ should presume to exercise that pretended ordi-
“ nance for the militia, and the other who should
“ keep his town of Hull from him, as he would resist
“ persons who came to take away his life or his
“ crown from him.

“ And therefore his Majesty again remembered,
“ and required his city of London to obey his former
“ commands, and not to be misled by the oration of
“ those men, who were made desperate by their for-
“ tunes, or their fortunes by them; who told them
“ their religion, liberty, and property, was to be pre-
“ served no other way, but by their disloyalty to his
“ Majesty: that they were now at the brink of the
“ river, and might draw their swords, (which was an
“ expression used at a great convention of the city),
“ when nothing pursued them but their own evil con-
“ sciences. He wished them to consider, whether
“ their estates came to them, and were settled upon
“ them, by orders of both Houses, or by that law
“ which his Majesty defended: what security they
“ could have to enjoy their own, when they had
“ helped to rob his Majesty; and what an happy
“ conclusion that war was like to have, which was
“ raised to oppress their Sovereign: that the wealth

" and glory of their city was not like to be destroyed
" any other way, but by rebelling against his Majes-
" ty ; and that way inevitably it must ; nor their
" wives and children to be exposed to violence and
" villainy, but by those who make their appetite and
" will the measure and guide to all their actions. He
" advised them not to fancy to themselves melan-
" choly apprehensions, which were capable of no fa-
" tisfaction ; but seriously to consider what security
" they could have, that they had not under his Ma-
" jesty, or had been offered by him : and whether
" the doctrine those men taught, and would have
" them defend, did not destroy the foundations upon
" which their security was built ?"

The great conflux that hath been mentioned, of men of all conditions, and qualities, and humours, could not continue long together at York, without some impatience and commotion ; and most men wondered, that there appeared no provisions to be made towards a war, which they saw would be inevitable : and when the levies of soldiers under the Earl of Essex were hastened with so much vigour, that the King should have no other preparations towards an army, than a single troop of guards made up of gentlemen volunteers ; who, all men foresaw, would quit the troop when there should be an army : and many do yet believe, that the King too long deferred his recourse to arms ; and that, if he had raised forces upon his first repulse at Hull, his service would have been very much advanced ; and that the Parliament would not have been able to have drawn an army together. And so men still reproach the councils which were then about the King, as they were censured by many at that time : but neither they then, nor these now do

do understand the true reason thereof. The King had not, at that time, one barrel of powder, nor one musket, nor any other provision necessary for an army ; and, which was worse, was not sure of any port, to which they might be securely assigned ; nor had he money for the support of his own table for the term of one month. He expected, with impatience, the arrival of all those necessaries, by the care and activity of the Queen ; who was then in Holland, and by the sale of her own, as well as of the crown jewels, and by the friendship of Henry Prince of Orange, did all she could to provide all that was necessary ; and the King had newly directed her to send all to Newcastle, which was but then secured to him by the diligence of the Earl of that name. In the mean time both the King himself, and they who best knew the state of his affairs, seemed to be without any thoughts of making war ; and to hope, that the Parliament would at last incline to some accommodation ; for which both his Majesty and those persons were exposed to a thousand reproaches.

The Queen had many difficulties to contend with ; for though the Prince of Orange had a very signal affection for the King's service, and did all he could to dispose the States to concern themselves in his Majesty's quarrel ; yet his authority and interest was much diminished with the vigour of his body and mind : and the States of Holland were so far from being inclined to the King, that they did him all the mischief they could. They had before assisted the rebellion in Scotland, with giving them credit for arms and ammunition, before they had money to buy any ; and they did afterwards, several ways, discover their affections to the Parliament ; which had so many

many spies there, that the Queen could do nothing they had not present notice of; so that it was no easy matter for the Queen to provide arms and ammunition, but the Parliament had present notice of it, and of the ways which were thought upon to transport them to the King: and then their fleet, under the command of the Earl of Warwick, lay ready to obstruct and intercept that communication; nor was any remedy in view to remove this mischief; insomuch as it was no easy thing for the King to send to, or to receive letters from, the Queen.

There was a small ship of 28 or 30 guns, that was part of the fleet that wafted her Majesty into Holland from Dover, which was called the Providence, under the command of Captain Straughan, when the fleet was commanded by Sir John Pennington, and before the Earl of Warwick was superinduced into that charge against the King's will. That ship, the Captain whereof was known to be faithful to his Majesty, was by the Queen detained, and kept in Holland from the time of her Majesty's arrival, under several pretences, of which the Captain made use, when he afterwards received orders from the Earl of Warwick, "to repair to the fleet in the Downs;" until, after many promises and excuses, it was at last discerned that he had other busines and commands; and so was watched by the other ships as an enemy. This vessel the Queen resolved to send to the King, principally to inform his Majesty of the straits she was in; of the provisions she had made; and to return with such particular advice and directions from his Majesty, that she might take further resolutions. And because the vessel was light, and drew not much water, and so could run into any creek, or open road, or harbour,

harbour, and from thence easily send an express to the King ; there was put into it about two hundred barrels of powder, and two or three thousand arms, with seven or eight field-pieces ; which, they knew, would be very welcome to the King, and serve for a beginning and countenance to draw forces together. The Captain was no sooner put to sea, but notice was sent to the Commander of the fleet in the Downs ; who immediately sent three or four ships to the north, which easily got the Providence in view, before it could reach that coast ; and chased it with all their sails, till they saw it enter into the river of Humber ; when, looking upon it as their own, they made less haste to follow it, being content to drive it before them into their own port of Hull ; there being, as they thought, no other way to escape them ; until they plainly saw the ship entering into a narrow creek out of Humber, which declined Hull, and led into the country some miles above it ; which was a place well known to the Captain, and designed by him to arrive at from the beginning. It was in vain for them to hasten their pursuit ; for they quickly found that their great ships could not enter into that passage, and that the river was too shallow to follow him ; and so, with shame and anger, they gave over the chase, whilst the Captain continued his course ; and having never thought of saving the ship, run it on shore on that side towards Burlington ; and, with all expedition, gave notice to the King of his arrival ; who, immediately, caused the persons of quality in the parts adjacent to draw the Trained Bands of the country together, to secure the incursions from Hull ; and, by this means, the arms, ammunition, and artillery were quickly brought to York.

The

The King was well content that it should be generally believed, that this small ship, the size whereof was known to few, had brought a greater quantity and proportion of provisions for the war, than in truth it had; and therefore, though it had brought no money, which he expected, he forthwith granted commissions, to raise regiments of horse and foot, to such persons of quality and interest, as were able to comply with their obligations. He declared the Earl of Lindsey, Lord High Chamberlain of England, his General of the army; a person of great honour and courage, and generally beloved; who many years before had good commands in Holland and Germany, and had been Admiral at sea in several expeditions. Sir Jacob Ashley was declared Major General of the foot, a command he was very equal to, and had exercised before, and executed after, with great approbation. The Generalship of the horse, his Majesty reserved for his nephew Prince Rupert; who was daily expected, and arrived soon after: and all levies were hastened with as much expedition as was possible in so great a scarcity, and notorious want of money; of which no more need be said, after it is remembered that all the Lords, and Council about the King, with several other persons of quality, voluntarily made a subscription for the payment of so many horse for three months; in which time they would needs believe, that the war should be at an end; every one paying down what the three months pay would amount to, into the hands of a treasurer appointed to receive it; and this money was presently paid for the making those levies of horse, which were designed; and which could not have been made but by those moneys.

And

And now the King thought it time to execute a resolution he had long intended, and which many men wondered he neglected so long ; which was, as much as in him lay, to take the Admiralty into his own hands. He had long too much cause to be unsatisfied and displeased with the Earl of Northumberland ; whom he thought he had obliged above any man whatsoever. His delivering the fleet into the hands and command of the Earl of Warwick, after his Majesty had expressly refused it to the Parliament, the King could not easily forgive ; however, he thought it not then seasonable to resent it, because he had nothing to object against him, but his compliance with the command of the Parliament, who would have owned it as their own quarrel ; and must have obliged that Earl to put his whole interest into their hands, and to have run their fortune ; to which he was naturally too much inclined : and then his Majesty foresaw, that there would have been no fleet at all set out that year, by their having the command of all the money, which was to be applied to that service. Whereas, by his Majesty's concealing his resentment, there was a good fleet made ready, and set out ; and many gentlemen settled in the command of ships, of whose affection and fidelity his Majesty was assured, that no superior officer could corrupt it ; but that they would, at all times, repair to his service, whenever he required it. And, indeed, his Majesty had an opinion of the devotion of the whole body of the common seamen to his service, because he had, bountifully, so much mended their condition, and increased their pay, that he thought they would have even thrown the Earl of Warwick overboard, when he should command them ; and so the respiting the doing

doing of it would be of little importance. But now, that a ship of his own, in the execution of his commands, should be chased by his own fleet as an enemy, made such a noise in all places, even to his reproach and dishonour, that he could no longer defer the doing what he had so long thought of. He resolved, therefore, to revoke the Earl of Northumberland's commission of the office of High Admiral of England, and to send the revocation to him under the Great Seal of England : then, to send Sir John Pennington, who was then at York, on board the fleet, and to take the charge of it : and letters were prepared, and signed by the King, to every one of the captains ; whereby they were required “ to observe “ the orders of Sir John Pennington.” And all this was carried with all possible secrecy, that none, but those few who were trusted, knew, or suspected any such alteration.

But the King thought fit, first to advise with Sir John Pennington ; of whose integrity he was confident, and whose judgment he always principally relied on in all his maritime actions ; and thought him the only person fit immediately to take the fleet out of the Earl of Warwick's possession ; who had dispossessed him of the command that year, which he had usually exercised. Sir John Pennington, finding the matter full of difficulty, and the execution like to meet with some interruptions, expressed no alacrity to undertake it in his own person ; alleging, “ that him-
“ self stood in the Parliament's disfavour and jealousy, (which was true), and that therefore his motion,
“ and journey towards the Downs, where the fleet
“ then lay, would be immediately taken notice of ;
“ and his Majesty's design be so much guessed at,
“ that

“ that there would need no other discovery :” but he propounded to his Majesty, “ that he would send a letter to Sir Robert Mansel, who lived at Greenwich, speedily to go to the fleet, and to take charge of it ; and that his authority, being Vice-Admiral of England, and his known and great reputation with the seamen, would be like to meet with the least resistance.” His Majesty, imparting this counsel to those whom he had made privy to his purpose, entered upon new considerations ; and concluded, “ that Sir Robert Mansel’s age, (though his courage and integrity were unquestionable), and the accidents that depended upon that, would render that expedient most hazardous : and that, in truth, there needed no such absolute and supreme officer to be appointed in the first article ; but rather, that his Majesty should direct his special letter to the captain of every ship, requiring him immediately to weigh anchor, and to bring away his ship to such a place as his Majesty might appoint, where he should receive further orders : and to that place he might send such an officer, as he thought fit to trust with the command of the whole navy so assembled.” According to this resolution, the whole dispatch was prepared. First, a revocation of the Earl of Northumberland’s commission of Admiral, under the Great Seal of England ; of which there was a duplicate ; the one to be sent to his Lordship ; the other to the Earl of Warwick ; whose commission was founded upon, and so determined by, the other. Then a particular letter to each of the captains of his ships, informing them “ of his Majesty’s revocation of the Admiral’s patent, and consequently of the determination of the Earl of Warwick’s commission,”

“ fion,” (to whom his Majesty likewise writ, to “ inhibit him from further meddling in that charge”), and therefore commanding them to yield no further obedience to either of their orders ; but that, immediately upon the receipt of those his royal letters, he should weigh anchor ; and, with what speed he might, repair to Burlington-bay upon the coast of Yorkshire ; where he should receive his Majesty’s further pleasure : and so each commander, without relation to any other commands, had no more to look after but his own ship, and his own duty, by which the King might expect, at least, so many ships as were under the command of those, who had any affection or fidelity to his service.

Accordingly, all things being prepared, and sign’d by the King, and sealed, what immediately concerned the Earl of Northumberland was delivered to one of his Majesty’s pages, to be given to the Earl of Northumberland at London ; and the whole dispatch to the fleet to Mr. Edward Villiers, whose diligence and dexterity his Majesty found fit for any trust ; the former being directed “ not to make such haste, but “ that the other might be at least as soon at the “ Downs, as he at London ;” and Mr. Villiers again being appointed what letters he should first deliver to the captains ; “ and that he should visit the Earl of “ Warwick in the last place ;” that his activity might have no influence upon the seamen, to prevent their obedience to his Majesty. And surely if this resolution had been pursued, it is very probable that the King had been master of very many of his ships again. But, when the messengers were dispatched, and well instructed, and he that was for London gone on his journey, there was a sudden and unexpected change

change of the whole direction to the fleet, by Sir John Pennington's repair to his Majesty; and, upon second thoughts, offering "to go himself to the "Downs, and to take charge of the fleet;" which changed the forms of the letters to the several captains; and, instead of leaving every one to use his best expedition to bring away his own ship to Burlington, "required them only to observe such orders, "as they should receive by Sir John Pennington;" who thought not fit (for the reasons formerly given of his being taken notice of) to go with Mr. Villiers; but, by him, writ to Sir Henry Palmer, to whom likewise his Majesty sent a letter to that purpose, being an officer of the navy, and who lived by the Downs, "immediately to go aboard the Admiral; and that "he himself would make all possible haste to him, "setting out at the same time with Mr. Villiers; "but journeying a further and more private way." Mr. Villiers, left, by his stay for the alteration of his dispatches, the page's coming to London sooner than was intended at his setting out might produce some inconvenience to the service, slept not till he came to Sir Henry Palmer; who, being infirm in his health, and surprised with the command, could not make that expedition aboard, as might have been requisite; though he was loyally and zealously affected to his Majesty's service. However, Mr. Villiers hastened to the ships which lay then at anchor, and, according to his instructions, delivered his several letters to the captains; the greatest part whereof received them with great expressions of duty and submission, expecting only to receive Sir John Pennington's orders, for which they staid; and, without doubt, if either the first letters had been sent, or Sir

John Pennington been present, when these others were delivered, his Majesty had been possessed of the greatest part of the fleet; the Earl of Warwick being at that time, according to his usual licenses, with some officers, whose company he liked, on shore making merry; so that there was only his Vice-Admiral, Captain Batten, on board, who was of eminent disaffection to his Majesty; the Rear-Admiral, Sir John Mennes, being of unquestionable integrity.

But after five or six hours, (in which time nothing could be acted, for want of advice and direction; enough being ready to obey, but none having authority to command), the Earl of Warwick came aboard his ship, to whom Mr. Villiers likewise gave his Majesty's letters of his discharge; who, without any declaration of disobeying it, applied himself to the confirming those whom he thought true to his party, and diligently to watch the rest; presuming, that he should speedily hear from those by whom he had been originally trusted.

In the mean time, the captains expected orders from Sir John Pennington; who likewise privately expected such an account from Sir Henry Palmer, as might encourage him to come to the ships. But this unfortunate delay disappointed all; for the other gentleman, according to his instructions, having reached London in the evening after the Houses were risen,

The King revokes the
Earl of
Northum-
berland's
commission
of Admiral.
delivered the King's letter, and the discharge of his commission, to the Earl of Northumberland; who, with all shews of duty and submission, expressed "his resolution to obey his Majesty; and a hearty sorrow, that he had, by any misfortune, incurred his Majesty's displeasure." How ingenuous ~~soever~~ this demeanor of his Lordship's was, the business was quickly

quickly known to those who were more concerned in it ; who were exceedingly perplexed with the apprehension of being dispossessed of so great a part of their strength, as the royal fleet ; and earnestly pressed the Earl of Northumberland, “ that, notwithstanding such his Majesty’s revocation, he would still continue the execution of his office of Lord High Admiral ; in which they would assist him with their utmost and full power and authority.” But his Lordship alleging, “ that it would ill become him, who had received that charge from the King, with so notable circumstances of trust and favour, to continue the possession thereof against his express pleasure, there being a clause in his grant, that it should be only during such time as his Majesty thought fit to use his service ;” and so utterly refusing to meddle further in it ; as soon as they could get the Houses together the next morning, they easily agreed to pass an ordinance, as they call it, “ to appoint the Earl of Warwick to be Admiral of that fleet, with as full and ample authority, as he had before had from the Earl of Northumberland.” Which ordinance, together with letters, and votes of encouragement to his Lordship, and to the officers and seamen, they speedily sent, by a member of their own ; who arrived therewith, the next morning, after Mr. Villiers had delivered the King’s letters ; Sir John Pennington in the mean time neither coming, nor sending any further advice.

The Earl of Warwick, being thus armed, found himself master of his work ; and immediately summoned all the captains, to attend him on board his ship in council ; the which all but two did, (Captain Slingsby, and Captain Wake), who, being by his Ma-

jesty's letters, as the rest were, expressly charged to yield no further obedience to the Earl of Warwick, refused to repair to him ; making themselves ready to resist any violence, and putting their ships in order to go out to sea, that they might be at liberty to attend his Majesty's commands : but they were so encompassed by the whole fleet, and the dexterity of the Earl's ministers was such, and the devotion, generally, of the seamen so tainted, and corrupted from the King's service, that, instead of carrying away the ships, the captains themselves were seized, taken, and carried by their own men to the Earl ; who immediately committed them to custody, and sent them up prisoners to the Parliament. Then the Earl communicated the ordinance, letters, and votes from the two Houses to the rest of the officers ; of whom only two more refused to continue their charge against the signification they had received from the King, (Sir John Mennes and Captain Burly), who were quickly discharged, and set on shore ; and the rest, without any scruple or hesitation, " obliged themselves to obey " the Earl of Warwick, in the service of the Parliament ; so that the storm was now over, and the Parliament fully and entirely possessed of the whole royal navy, and militia by sea ; for they quickly disposed of two other honest captains, Kettleby and Stradlin, (whom they could not corrupt), who guarded the Irish seas ; and got those ships likewise into their service. And thus his Majesty was without one ship of his own, in his three kingdoms, at his devotion.

As this loss of the whole navy was of unspeakable ill consequence to the King's affairs, and made his condition much the less considered by his allies, and neighbour Princes ; who saw the sovereignty of the sea now in

in other hands, that were like to be more imperious upon the apprehension of any discourtesies, than regular and lawful Monarchs used to be ; I cannot but observe some unhappy circumstances and accidents in this important busines of the navy, which looked like the hand of providence to take that strength, of which his Majesty was most confident, out of his hands. When the resolution of the House of Commons and the concurrence of the Lords was peremptory, and the Earl of Northumberland had declared his compliance with them, “ for the sending the Earl “ of Warwick Admiral of that fleet, in the place of “ Sir John Pennington, upon whom the King de-“ pended ; ” it was resolved likewise by them, “ that “ Captain Carteret, Controller of his Majesty’s navy, “ a man of great eminency and reputation in naval “ command, should be Vice-Admiral ; ” who thinking it became his near relation to his Majesty’s service, to receive his royal pleasure, before he engaged himself in any employment of that nature, addressed himself for his directions. But the King, looking upon the fleet in a manner taken from him, when another, whose disaffection to his service was very notorious, was, contrary to his express pleasure, presumptuously put into the command of it, and his own minister displaced for no other reason (his sufficiency and ability for command being by all men confessed) but his zeal and integrity to him, would not countenance that fleet, and that Admiral, with suffering an officer of his own to command in it under the other ; and therefore ordered Captain Carteret to decline the employment, which he prudently, and without noise, did ; and thereupon, another officer of the navy, the Surveyor General, Captain Batten, a man of very different

ferent inclinations to his Master, and his service, and furious in the new fancies of religion, was substituted in the place : whereas if Captain Carteret had been suffered to have taken that charge, his interest and reputation in the navy was so great, and his diligence and dexterity in command so eminent, that it was generally believed, he would, against whatsoever the Earl of Warwick could have done, have preserved a major part of the fleet in their duty to the King. The misfortunes which happened after, and are mentioned before, are not in justice to be imputed to Sir John Pennington ; who, sure, was a very honest gentleman, and of unshaken faithfulness and integrity to the King ; but to the little time he had to think of it : and the perplexity he was in (besides his true zeal to the service) to consider that so great a work, as the recovery of the royal navy, was to be done by his own personal engagement, made him look so little to his own security, that, instead of taking the fleet from the Earl of Warwick, he was himself taken by the Earl, and sent to the Parliament ; where the carrying over the Lord Digby, and some other jealousies, had left a great arrear of displeasure against him.

The truth is, the King was so confident upon the general affections of the seamen, who were a tribe of people more particularly countenanced and obliged by him than other men, his Majesty having increased their allowance, in provision and money, above the old establishment of the navy, as hath been mentioned ; that he did believe no activity of ill officers could have corrupted them ; but that, when the Parliament had set out and victualled the fleet, it would, upon any occasion, declare itself at his devotion. But, on the other side, they had been taught to believe,

lieve, that all the King's bounty and grace towards them had flowed from the mediation of those officers, who were now engaged against the King ; and that, the Parliament having seized the customs, and all other the revenues of the Crown, they had no other hope of pay or subsistence, but by absolutely devoting themselves to their service ; so that a greater or more general defection of any one order of men was never known, than that, at this time, of the seamen ; though many gentlemen, and some few of the common sort, to their lasting honour and reputation, either addressed themselves to the active service of their Sovereign, or suffered imprisonment, and the loss of all they had, for refusing to serve against him.

The news of this diminution of his Majesty's power, and terrible addition of strength to his enemies, was a great alay to the brisk hopes at York, upon the arrival of their ammunition, and wise men easily discerned the fatal consequence of it in opposition to the King's most hopeful designs ; yet, in a very short time, all visible sense of it so much vanished, that (as there was a marvellous alacrity at that time, in despising all advantages of the Parliament) some men publicly, and with great confidence, averred, " that the King was a gainer by the loss of " his fleet, because he had no money to pay the sea- " men, or keep them together ; and that one victory " at land, of which there was no doubt, would re- " store him to his dominion at sea, and to whatsoever " had been unjustly taken from his Majesty."

The King found it was now time to do more than write declarations, when the Parliament was now entirely possessed of the militia by sea, and made such a progress in the attempt to obtain the same at land, that

though the people generally, (except in great towns and corporations, where, besides the natural malignity, the factious lecturers and emissaries from the Parliament had poisoned their affections), and especially those of quality, were loyally inclined ; yet the terror of the House of Commons was so great, which sent for and grievously punished those Sheriffs and Mayors, who published, according to their duties and express oaths, his Majesty's proclamation, and those Ministers, who, according to his injunctions, read and divulged his declarations, that all such, and indeed all others eminently affected to the King, were forced to fly to York for protection, or to hide themselves in corners from that inquisition, which was made for them. And therefore his Majesty, in the first place, that he might have one harbour to resort to in his kingdom, sent the Earl of Newcastle, privately, with a commission to take the government of Newcastle ; who against the little opposition, that was prepared by the schismatical party in the town, by his Lordship's great interest in those parts, the ready compliance of the best of the gentry, and the general good inclinations of the place, speedily and dexterously assured that most important rich town and harbour to the King ; which, if it had been omitted but very few days, had been seized on by the Parliament, who had then given direction to that purpose. Then for the protection of the general parts of the kingdom, and keeping up their affections, his Majesty appointed and sent many of the nobility and prime gentlemen of the several counties, who attended him, into their respective counties to execute the commission of array, making the Marquis of Hertford, by commission under the Great Seal of England, (which he was to keep secret

secret in reserve, till he found, either by the growth, or extraordinary practice of the Parliament in raising forces, that the commission of array was not enough), “ his Lieutenant General of all the western parts of the kingdom, with power to levy such a body of horse and foot, as he found necessary for his Majesty’s service, and the containing the people within the limits of their duty.” With the Marquis went the Earl of Bath, (thought then to be in notable power and interest in Devonshire), the Lord Pawlet, the Lord Seymour, Sir Ralph Hopton, Sir John Berkley, Sir Hugh Pollard, and others, very good officers, to form an array if it should be found expedient. And so, much of the lustre of the Court being abated by the remove of so many persons of honour and quality, the King began to think of increasing and forming his train into a more useful posture, than it was yet; and, without any noise of raising an army, to make the scene of his first action to be the recovery of Hull (whither new forces were sent from London) by the ordinary forces and Trained Bands of that county ; by colour whereof, he hoped to have such report, that he should need no other industry to raise such an army as should be sufficient to preserve himself from the violence which threatened his safety ; and accordingly, that the people might fully understand his intentions, he summoned some of the Trained Bands to attend him at Beverley, a town within four miles of Hull, whither he removed his Court, and published a proclamation, briefly containing “ the rebellion of Sir John Hotham, in holding that town by a garrison against him ; his demanding justice from the two Houses without effect ; the seizing his fleet at sea ; and the hostile acts of Sir John

The King's
proclama-
tion from
Beverley.

“ John Hotham upon the inhabitants of that town,
“ many of whom he turned out of their habitations ;
“ and upon the neighbour county, by imprisoning
“ many, and driving others for fear from their houses :
“ and therefore that he was resolved to reduce the
“ same by force ; inhibiting all commerce or traffic
“ with the said town, whilst it continued in rebel-
“ lion.”

Which proclamation he likewise sent to both Houses of Parliament, with this further signification, “ That, before he would use force to reduce that place to its due obedience, he had thought fit once more to require them, that it might be forthwith delivered to him ; wherein if they should conform themselves, his Majesty would be then willing to admit such addresses from them, and return such propositions to them, as might be proper to settle the peace of the kingdom, and compose the present distractions. He wished them to do their duty, “ and to be assured from him, on the word of a King, “ that nothing should be wanting on his part, that might prevent the calamities which threatened the nation, and might render his people truly happy ; “ but if that his gracious invitation should be declined, God and all good men must judge between them : ” and assigned a day, by which he would expect their answer at Beverley.

In the mean time, to encourage the good affections of Nottinghamshire, which seemed almost entirely to be devoted to his service, and to countenance and give some life to his friends in Lincolnshire, where, in contempt of his proclamation, the ordinance of the militia had been boldly executed by the Lord Willoughby of Parham, and some members of the House of

of Commons, his Majesty took a short progress to Newark ; and, after a day's stay, from thence to Lincoln ; and so, by the day appointed, returned to Beverley ; having, in both those places, been attended with such an appearance of the gentlemen and men of quality, and so full a concourse of the people, as one might reasonably have guessed the affections of both those counties would have seconded any just and regular service for the King.

They at London were not less active ; but, upon their success in the business of the navy, proceeded to make themselves strong enough, at least, to keep what they had ; and therefore, having, by their ordinance of the militia, many voluntary companies formed of men according to their own hearts ; and, by their subscriptions, being supplied with a good stock of money, and a good number of horse ; before the King's message from Beverley came to them, on the twelfth of July, being the same day the message went from the King, both Houses voted and declared, "That an army should be forthwith raised The votes
of both
Houses for
raising an
army." for the safety of the King's person ; defence of both Houses of Parliament, and of those who had obeyed their orders and commands ; and preserving of the true religion, the laws, liberty, and peace of the kingdom. That the Earl of Essex should be their General, and that they would live and die with him." And, having put themselves into this posture of treating, the same day they agreed that a petition should be framed, "to move the King to a good accord with the Parliament, to prevent a civil war ;" the which was purposely then consented to, that the people might believe, the talk of an army and a General was only to draw the King to the more reasonable

sonable concessions. And it is certain, the first was consented to by many, especially of the House of Peers, (in hope the better to compass the other), with the perfect horror of the thought of a war. Though the King's message came to them before their own was dispatched, yet, without the least notice taken of it, and lest the contents of their petition might be known before the arrival of their own messengers, the Earl of Holland, Sir John Holland, and Sir Philip Stapleton, being the committee appointed for the same, made a speedy and quick journey for Beverley ; and arrived in the same minute that the King came thither from Lincoln : so that his Majesty no sooner heard of the raising an army, and declaring a General against him, but he was encountered with the messengers for peace ; who reported to all whom they met, and with whom they conversed, " that they had brought so absolute a submission from the Parliament to the King, that there could be no doubt of a firm and happy peace :" and when the Earl of Holland presented the petition, he first made a short speech to the King, telling him, " that the glorious motto of his blessed father, King James, was *Beati Pacifici*, which he hoped his Majesty would continue ; that they presented him with the humble duty of his two Houses of Parliament, who desired nothing from him but his consent, and acceptance of peace ; they aiming at nothing but his Majesty's honour and happiness :" and then read their message aloud, in these words :

To the King's most excellent Majesty, the humble Pe- The Parliament's petition
tition of the Lords and Commons assembled in Parlia- to the
ment. King at Be-
verley, July
15, 1642.

“ May it please your Majesty :

“ Although we, your Majesty's most humble and
“ faithful subjects, the Lords and Commons in Par-
“ liament assembled, have been very unhappy in ma-
“ ny former petitions and supplications to your Ma-
“ jesty; wherein we have represented our most dutiful
“ affections in advising and desiring those things,
“ which we held most necessary for the preservation
“ of God's true religion, your Majesty's safety and
“ honour, and the peace of the kingdom : and, with
“ much sorrow, do perceive that your Majesty, in-
“ censed by many false calumnies and slanders, doth
“ continue to raise forces against us, and your other
“ peaceable and loyal subjects ; and to make great
“ preparations for war, both in the kingdom, and from
“ beyond the seas; and, by arms and violence, to over-
“ rule the judgment and advice of your great coun-
“ cil ; and by force to determine the questions there
~~“ depending~~, concerning the government and liberty
“ of the kingdom : yet, such is our earnest desire of
“ discharging our duty to your Majesty and the king-
“ dom, to preserve the peace thereof, and to prevent
“ the miseries of civil war amongst your subjects,
“ that, notwithstanding we hold ourselves bound to
“ use all the means and power, which, by the laws
“ and constitutions of this kingdom, we are trusted
“ with for defence and protection thereof, and of the
“ subjects from force and violence, we do, in this
“ our humble and loyal petition, prostrate ourselves
“ at your Majesty's feet ; beseeching your royal Ma-
“ jesty,

“jefty, that you will be pleased to forbear, and re-
“move all preparations and actions of war; particu-
“larly the forces from about Hull, from Newcastle,
“Tinmouth, Lincoln, and Lincolnshire, and all other
“places. And that your Majesty will recal the com-
“misions of array, which are illegal; dismiss troops,
“and extraordinary guards by you raised: that your
“Majesty will come nearer to your Parliament, and
“hearken to their faithful advice and humble peti-
“tions; which shall only tend to the defence and ad-
“vancement of religion, your own royal honour and
“safety, and the preservation of our laws and liber-
“ties. And we have been, and ever shall be, careful
“to prevent and punish all tumults, and seditious
“actions, speeches, and writings, which may give
“your Majesty just cause of distaste, or apprehension
“of danger. From which public aims and resolu-
“tions no sinister or private respect shall ever make
“us to decline. That your Majesty will leave delin-
“quents to the due course of justice; and that no-
“thing done or spoken in Parliament, or by any per-
“son in pursuance of the command and direction of
“both Houses of Parliament, be questioned any where
“but in Parliament.

“And we, for our parts, shall be ready to lay
“down all those preparations, which we have been
“forced to make for our defence. And for the town
“of Hull, and the ordinance concerning the militia,
“as we have, in both these particulars, only sought
“the preservation of the peace of the kingdom, and
“the defence of the Parliament from force and vio-
“lence; so we shall most willingly leave the town of
“Hull in the state it was, before Sir John Hotham
“drew any forces into it; delivering your Majesty’s
“magazine

“ magazine into the Tower of London, and supplying
“ whatsoever hath been disposed by us for the service
“ of the kingdom. We shall be ready to settle the
“ militia by a bill, in such a way as shall be honour-
“ able and safe for your Majesty, most agreeable to the
“ duty of Parliament, and effectual for the good of
“ the kingdom ; that the strength thereof be not em-
“ ployed against itself, and that which ought to be
“ for our security, applied to our destruction ; and
“ that the Parliament, and those who profess and de-
“ sire still to preserve the Protestant religion, both in
“ this realm and in Ireland, may not be left naked,
“ and indefensible to the mischievous designs and
“ cruel attempts of those, who are the professed and
“ confederated enemies thereof in your Majesty’s do-
“ minions, and other neighbour nations. To which
“ if your Majesty’s courses and counsels shall from
“ henceforth concur, we doubt not but we shall
“ quickly make it appear to the world, by the most
“ eminent effects of love and duty, that your Ma-
“ jesty’s personal safety, your royal honour and great-
“ nes, are much dearer to us than our own lives and
“ fortunes, which we do most heartily dedicate, and
“ shall most willingly employ for the support and
“ maintenance thereof.”

As soon as this petition was read by the Earl of Holland, the King told them, “ that the reproaches
“ cast upon him by it were not answerable to the ex-
“ pressions his Lordship had made ; and that he was
“ sorry that they thought the exposing him and his
“ honour to so much scandal, was the way to procure
“ or preserve the peace of the kingdom : that they
“ should speedily receive his answer ; by which the
“ world would easily discern who desired peace
“ most.”

“most.” And accordingly, the second day, his Majesty delivered them, in public, his answer to their petition, which was likewise read by one of his servants, in these words :

*His Majef-
ty's anfwer.* *His Majesty's Answer to the Petition of the Lords and
Commons affembled in Parliament.*

“ Though his Majesty had too great reason to believe that the directions sent to the Earl of Warwick, to go to the river Humber, with as many ships as he should think fit, for all poffible affiftance to Sir John Hotham, (whilst his Majesty expected the giving up of the town unto him), and to carry away such arms from thence, as his discretion thought fit to fpare out of his Majesty's own magazine ; the choosing a General by both Houses of Parliament, for the defence of thoſe who have obeyed their orders and commands, be they never fo extravagant and illegal ; their declaration, that, in that caſe, they would live and die with the Earl of Effex their General ; (all which were voted the ſame day with this petition;) and the committing the Lord Mayor of London to priſon, for executing his Majesty's writs and lawful commands ; were but ill prologues to a petition, which might compose the miserable diſtractions of the kingdom ; yet his Majesty's paffionate deſire of the peace of the kingdom, together with the preface of the presenters, That they had brought a petition full of duty and ſubmiſſion to his Majesty ; and which deſired nothing of him, but his confeſſion to peace, (which his Majesty conceived to be the language of both Houses too), begot a greedy hope and expeſtation in him, that this petition would have been ſuch an introduction to peace,

“ peace, that it ~~would~~ at least have satisfied his message
“ of the eleventh of this month, by delivering up Hull
“ unto his Majesty. But, to his unspeakable grief, his
“ Majesty hath too much cause to believe, that the end
“ of some persons, by this petition, is not in truth to
“ give any real satisfaction to his Majesty ; but, by
“ the specious pretences of making offers to him, to
“ mislead and seduce his people, and lay some im-
“ putation upon him of denying what is fit to be
“ granted ; otherwise, it would not have thrown those
“ unjust reproaches and scandals upon his Majesty,
“ for making a necessary and just defence for his own
“ safety ; and so peremptorily justified such actions
“ against him, as by no rule of law or justice can ad-
“ mit the least colour of defence : and, after so many
“ free and unlimited acts of grace passed by his Ma-
“ jesty without any condition, have proposed such
“ things which, in justice, cannot be denied unto
“ him, upon such conditions as, in honour, he cannot
“ grant. However, that all the world may see how
“ willing his Majesty would be to embrace any over-
“ ture, that might beget a right understanding be-
“ twixt him and his two Houses of Parliament, (with
“ whom, he is sure, he shall have no contention,
“ when the private practices and subtle insinuations
“ of some few malignant persons shall be discovered,
“ which his Majesty will take care shall be speedily
“ done), he hath, with great care, weighed the par-
“ ticulars of this petition, and returns this answer :

“ That the petitioners were never unhappy in their
“ petitions or supplications to his Majesty, while they
“ desired any thing which was necessary or conve-
“ nient for the preservation of God’s true religion,
“ his Majesty’s safety and honour, and the peace of
“ the

“ the kingdom : and therefore, when those general
“ envious foundations are laid, his Majesty could
“ wish some particular instances had been applied.
“ Let envy and malice object one particular proposi-
“ tion for the preservation of God’s true religion
“ which his Majesty hath refused to consent to; what
“ himself hath often made for the ease of tender con-
“ sciences, and for the advancement of the Protestant
“ religion, is notorious by many of his messages and
“ declarations. What regard hath been to his ho-
“ nour and safety, when he hath been driven from
“ some of his houses, and kept from other of his
“ towns by force; and what care there hath been of
“ the peace of the kingdom, when endeavours have
“ been used to put all his subjects in arms against
“ him, is so evident, that, his Majesty is confident, he
“ cannot suffer by those general imputations. It is.
“ enough that the world knows what he hath granted,
“ and what he hath denied.

“ For his Majesty’s raising forces, and making pre-
“ parations for war, (whatsoever the petitioners, by
“ the evil arts of the enemies to his Majesty’s person
“ and government, and by the calumnies and sland...
“ raised against his Majesty by them, are induced to
“ believe), all men may know what is done that way
“ is but in order to his own defence. Let the peti-
“ tioners remember, that (which all the world knows)
“ his Majesty was driven from his palace of White-
“ hall for safety of his life: that both Houses of Par-
“ liament, upon their own authority, raised a guard
“ to themselves, (having gotten the command of all
“ the Trained Bands of London to that purpose),
“ without the least colour or shadow of danger: that
“ they usurped a power, by their pretended ordinance,
“ against

“ against all principles and elements of law, over the
“ whole militia of the kingdom, without and against
“ his Majesty’s consent : that they took possession of
“ his town, fort, and magazine of Hull, and com-
“ mitted the same to Sir John Hotham; who shut the
“ gates against his Majesty, and, by force of arms,
“ denied entrance thither to his own person : that they
“ justified this act which they had not directed, and
“ took Sir John Hotham into their protection for
“ whatsoever he had done, or should do, against his
“ Majesty : and all this, whilst his Majesty had no
“ other attendance than his own menial servants.
“ Upon this, the duty and affection of this county
“ prompted his subjects here to provide a small
“ guard for his own person ; which was no sooner
“ done, but a vote suddenly passed of his Majesty’s
“ intention to levy war against his Parliament, (which,
“ God knows, his heart abhorreth); and, notwithstanding-
“ ing all his Majesty’s professions, declarations, and
“ protestations to the contrary, seconded by the clear
“ testimony of so great a number of Peers upon the
“ place, propositions and orders for levies of men,
“ horse, and arms, were sent throughout the king-
“ dom ; plate and money brought in and received ;
“ horse and men raised towards an army, mustered,
“ and under command ; and all this contrary to the
“ law, and to his Majesty’s proclamation : and a de-
“ claration published, that if he should use force for
“ the recovery of Hull, or suppressing the pretended
“ ordinance for the militia, it should be held levying
“ war against the Parliament : and all this done, be-
“ fore his Majesty granted any commission for the le-
“ vying or raising a man. His Majesty’s ships were
“ taken from him, and committed to the custody of the

“ Earl of Warwick ; who presumes, under that power,
“ to usurp to himself the sovereignty of the sea, to
“ chase, fright, and imprison such of his Majesty’s
“ good subjects, as desire to obey his lawful com-
“ mands ; although he had notice of the legal revo-
“ cation of the Earl of Northumberland’s commission
“ of Admiral, whereby all power derived from that
“ commission ceased.

“ Let all the world now judge who begun this war,
“ and upon whose account the miseries, which may
“ follow, must be cast ; what his Majesty could have
“ done less than he hath done ; and whether he were
“ not compelled to make provision both for the de-
“ fence of himself, and recovery of what is so vio-
“ lently and injuriously taken from him ; and whe-
“ ther these injuries and indignities are not just
“ grounds for his Majesty’s fears and apprehensions
“ of further mischief and danger to him. Whence
“ the fears and jealousies of the petitioners have pro-
“ ceeded, hath never been discovered ; the dangers
“ they have brought upon his subjects are too evi-
“ dent ; what those are they have prevented, no man
“ knows. And therefore his Majesty cannot but look
“ upon that charge as the boldest, and the most scan-
“ dalous, hath been yet laid upon him ; That this ne-
“ cessary provision, made for his own safety and de-
“ fence, is to over-rule the judgment and advice of
“ his great council ; and by force to determine the
“ questions there depending, concerning the govern-
“ ment and liberty of the kingdom. If no other
“ force had been raised to determine those questions,
“ than by his Majesty, this unhappy misunderstand-
“ ing had not been : and his Majesty no longer de-
“ fires the blessing and protection of Almighty God
“ upon

“ upon himself and his posterity, than he and they
“ shall solemnly observe the due execution of the
“ laws, in the defence of Parliaments, and the just
“ freedom thereof.

“ For the forces about Hull, his Majesty will re-
“ move them, when he hath obtained the end for
“ which they were brought thither. When Hull
“ shall be again reduced to his subjection, he will no
“ longer have an army before it. And when he shall
“ be assured, that the same necessity and pretence of
“ public good, which took Hull from him, may not
“ put a garrison into Newcastle to keep the same
“ against him, he will remove his from thence, and
“ from Tinmouth; till when, the example of Hull
“ will not out of his memory.

“ For the commissions of array, which are legal,
“ and are so proved by a declaration now in the press,
“ his Majesty wonders why they should, at this time,
“ be thought grievous, and fit to be recalled: if the
“ fears of invasion and rebellion be so great, that, by
“ an illegal pretended ordinance, it is necessary to put
“ his subjects into a posture of defence, to array,
“ train, and muster them; he knows not why the same
“ should not be done in a regular, known, lawful
“ way. But if, in the execution of that commission,
“ any thing shall be unlawfully imposed upon his
“ good subjects, his Majesty will take all just and ne-
“ cessary care for their redress.

“ For his Majesty’s coming nearer to his Parlia-
“ ment, his Majesty hath expressed himself so fully in
“ his several messages, answers, and declarations, and
“ so particularly avowed a real fear of his safety,
“ upon such instances as cannot be answered, that he
“ hath reason to take himself somewhat neglected,

“ that, since upon so manifest reasons it is not safe for
“ his Majesty to come to them, both his Houses of
“ Parliament will not come nearer to his Majesty, or
“ to such a place where the freedom and dignity of
“ Parliament might be preserved. However, his Ma-
“ jesty shall be very glad to hear of some such exam-
“ ple in their punishing the tumults (which he knows
“ not how to expect, when they have declared that
“ they knew not of any tumults; though the House
“ of Peers desired, both for the freedom and dignity
“ of Parliament, that the House of Commons would
“ join with them in a declaration against tumults;
“ which they refused, that is, neglected to do) and
“ other seditious actions, speeches, and writings, as
“ may take that apprehension of danger from him;
“ though, when he remembers the particular com-
“ plaints himself hath made of busynesses of that
“ nature, and that, instead of enquiring out the au-
“ thors, neglect of examination hath been, when offer
“ hath been made to both Houses to produce the au-
“ thors; as in that treasonable paper concerning the
“ militia: and when he sees every day pamphlets
“ published against his crown, and against monarchy
“ itself; as the observations upon his late messages,
“ declarations, and expressses; and some declarations
“ of their own, which give too great encouragement,
“ in that argument, to ill affected persons; his Ma-
“ jesty cannot, with confidence, entertain those hopes
“ which would be most welcome to him.

“ For the leaving delinquents to the due course of
“ justice, his Majesty is most assured there hath been
“ no shelter to any such. If the tediousnes and de-
“ lay in prosecution, the vast charge in officers’ fees,
“ the keeping men under a general accusation, with-
“ out

" out ~~trial~~, a whole year and more, and so allowing
" them no way for their defence and vindication, hath
" frightened men away from so chargeable and un-
" certain attendance, the remedy is best provided
" where the disease grew. If the law be the measure
" of delinquency, none such are within his Majesty's
protection : but if by delinquents such are under-
stood, who are made so by vote, without any tres-
pass upon any known or established law : if by de-
linquents those nine Lords are understood, who are
made delinquents for obeying his Majesty's sum-
mons to come to him, after their stay there was
neither safe nor honourable, by reason of the tu-
mults, and other violences; and whose impeachment,
he is confident, is the greatest breach of privilege,
that, before this Parliament, was ever offered to the
House of Peers : if by delinquents such are under-
stood, who refuse to submit to the pretended ordi-
nance of the militia ; to that of the navy ; or to any
other, which his Majesty hath not consented to ;
such who for the peace of the kingdom, in an
humble manner, prepare petitions to him, or to both
Houses, as his good subjects of London and Kent
did ; whilst seditious ones, as that of Essex, and
other places, are allowed and cherished : if by de-
linquents such are understood, who are called so for
publishing his proclamations, as the Lord Mayor
of London ; or for reading his messages and decla-
rations, as divers ministers about London and else-
where ; when those against him are dispersed with
all care and industry, to poison and corrupt the loy-
alty and affection of his people : if by delinquents
such are understood, who have, or shall lend his
Majesty money, in the Universities, or in any other

" places; his Majesty declares to all the world, that he
" will protect such with his utmost power and strength;
" and directs, that, in these cases, they submit not to
" any messengers, or warrant; it being no less his duty
" to protect those who are innocent, than to bring
" the guilty to condign punishment; of both which:
" the law is to be judge. And if both Houses do
" think fit to make a General, and to raise an ar-
" my for defence of those who obey their orders
" and commands, his Majesty must not sit still, and
" suffer such who submit to his just power, and are
" solicitous for the laws of the land, to perish and
" be undone, because they are called delinquents.
" And when they shall take upon them to dispense
" with the attendance of those who are called by
" his Majesty's writ, whilst they send them to sea,
" to rob his Majesty of his ships; or into the seve-
" ral counties, to put his subjects in arms against
" him; his Majesty (who only hath it) will not lose
" the power to dispense with them to attend his own
" person; or to execute such offices, as are necessary
" for the preservation of himself and the kingdom;
" but must protect them, though they are called de-
" linquents.

" For the manner of the proceeding against delin-
" quents, his Majesty will proceed against those who
" have no privilege of Parliament, or in such cases
" where no privilege is to be allowed, as he shall be
" advised by his learned council, and according to the
" known and unquestionable rules of the law; it being
" unreasonable, that he should be compelled to pro-
" ceed against those who have violated the known
" and undoubted law, only before them who have di-
" rected such violation.

" Having

“ Having said thus much to the particulars of the
“ petition, though his Majesty hath reason to com-
“ plain, that, since the sending this petition, they
“ have beaten their drums for soldiers against him ;
“ armed their own General with a power destructive
“ to the law, and liberty of the subjects; and chosen a
“ General of their horse ; his Majesty, out of his
“ princely love, tenderness, and compassion of his
“ people, and desire to preserve the peace of the
“ kingdom, that the whole force and strength of it
“ may be united for the defence of itself, and the re-
“ lief of Ireland, (in whose behalf he conjures both
“ his Houses of Parliament, as they will answer the
“ contrary to Almighty God, his Majesty, to those
“ who trust them, and to that bleeding, miserable
“ kingdom, that they suffer not any moneys, granted
“ and collected by act of Parliament, to be diverted
“ or employed against his Majesty ; whilst his soldiers
“ in that kingdom are ready to mutiny, or perish for
“ want of pay ; and the barbarous rebels prevail by
“ that encouragement), is graciously pleased once
“ more to propose and require,

“ That his town of Hull be immediately delivered
“ up to him ; which being done, (though his Majesty
“ hath been provoked by unheard of insolences of Sir
“ John Hotham’s, since his burning and drowning
“ the country, in seizing his wine, and other provi-
“ sions for his house, and scornfully using his servant,
“ whom he sent to require them ; saying, it came to
“ him by providence, and he will keep it ; and so re-
“ fusing to deliver it, with threats if he, or any other
“ of his fellow servants, should again repair to Hull
“ about it ; and in taking and detaining prisoners, di-
“ vers gentlemen, and others, in their passage over
“ the

“ the Humber into Lincolnshire about their necessary occasions; and such other indignities, as all gentlemen must resent in his Majesty’s behalf), his Majesty, to shew his earnest desire of peace, for which he will dispense with his own honour, and how far he is from desire of revenge, will grant a free and general pardon to all persons within that town.

“ That his Majesty’s magazine, taken from Hull, be forthwith put into such hands, as he shall appoint.

“ That his navy be forthwith delivered into such hands, as he hath directed for the government thereof: the detaining thereof after his Majesty’s directions, published and received, to the contrary; and employing his ships against him in such manner as they are now used, being notorious high treason in the commanders of those ships.

“ That all arms, levies, and provisions for a war, made by the consent of both Houses, (by whose example his Majesty hath been forced to make some preparations), be immediately laid down; and the pretended ordinance for the militia, and all power of imposing laws upon the subject without his Majesty’s consent, be disavowed; without which, the same pretence will remain to produce the same mischief. All which his Majesty may as lawfully demand as to live, and can with no more justice be denied him, than his life may be taken from him.

“ These being done, and the Parliament adjourned to a safe and secure place, his Majesty promises, in the presence of God, and binds himself by all his confidence and assurance in the affection of his people, that he will instantly, and most cheerfully lay

“ lay down all the force he shall have raised, and dis-
“ charge all his future and intended levies; that there
“ may be a general face of peace over the whole
“ kingdom; and will repair to them: and desires,
“ that all differences may be freely debated in a par-
“ liamentary way; whereby the law may recover its
“ due reverence, the subject his just liberty, and Par-
“ liaments themselves their full vigour and estima-
“ tion; and so the whole kingdom a blessed peace,
“ quiet, and prosperity.

“ If these propositions shall be rejected, his Majesty
“ doubts not of the protection and assistance of Al-
“ mighty God, and the ready concurrence of his good
“ subjects; who can have no hope left them of en-
“ joying their own long, if their King may be op-
“ pressed and spoiled, and must be remediless. And
“ though his towns, his ships, his arms, and his mo-
“ ney, be gotten, and taken from him, he hath a good
“ cause left, and the hearts of his people; which,
“ with God’s blessing, he doubts not, will recover all
“ the rest.

“ Lastly, if the preservation of the Protestant reli-
“ gion, the defence of the liberty and laws of the
“ kingdom, the dignity and freedom of Parliament,
“ and the recovery and the relief of bleeding and mi-
“ serable Ireland, be equally precious to the peti-
“ tioners, as they are to his Majesty, (who will have
“ no quarrel but in defence of these), there will be a
“ cheerful and speedy consent to what his Majesty
“ hath now proposed and desired: and of this his
“ Majesty expects a full and positive answer by
“ Wednesday the 27th of this instant July; till when
“ he shall not make any attempt of force upon Hull,
“ hoping in the affection, duty, and loyalty of the
“ pe-

" petitioners : and, in the mean time, expects that no
" supply of men be put into Hull, nor any of his Ma-
" jesty's goods taken from thence."

The whole Court, upon the hearing that petition from the two Houses read, expressed a marvellous indignation at the intolerable indignities offered to the King by it ; and seemed no better satisfied with the messengers ; who had professed, that they brought an absolute submission to his Majesty ; when, in truth, what they brought appeared to be a full justification of whatsoever they had done before, and an implied threat of doing worse, and fixing all the scandals upon his Majesty, which they had scattered abroad before : insomuch that all men expected and believed his Majesty to be engaged, for the vindication of his princely dignity and honour, to return a much sharper answer to them than he had ever sent. So that, when this which is before set down (and which had before been consented to, and approved in the full assembly of the Peers and Counsellors) was read publicly, it was generally thought, that the King had not enough resented the insolence and usurpation of the Parliament, or appeared sensible enough of the provocations : yet the thought of a war, which wise men saw actually levied upon the King already, was so much abhorred, and men were so credulous of every expedient which was pretended for peace, that by the next morning (the answer being delivered in the evening) these active messengers for the Parliament persuaded many " that
" the King's answer was too sharp, and would provoke
" the Houses, who were naturally passionate, to pro-
" ceed in the high ways they were in; whereas, if the
" King would abate that severity of language, and
" would yet take off the preamble of his answer, they
" were

“ were confident, and the Earl of Holland privately
“ offered to undertake, that satisfaction should be
“ given to all that his Majesty proposed.” And, by
this means, some were so far wrought upon, as they
earnestly importuned the King, “ that he would take
“ his answer, which he had publicly delivered the
“ night before, from the messengers; and, instead
“ thereof, return only the matter of his own proposi-
“ tions, in the most soft and gentle language; with-
“ out the preamble, or any mention of the unjustifi-
“ able and unreasonable demeanor of the Parliament
“ towards him.”

But his Majesty replied, “ that he had for a long
“ time, even after great provocations, and their first
“ general remonstrance to the people, treated with all
“ imaginable compliance and lenity of words with
“ them; and discovered their unjustifiable and ex-
“ travagant proceedings with and against him, and
“ the consequences that would inevitably attend their
“ progress in them, with such tender expressions, as if
“ he believed whatever was amiss to proceed from mis-
“ information only, and unskilful mistakes: that this
“ gentleness and regard of his was so far from operat-
“ ing upon them, that their insolence and irregulari-
“ ties increased; and it might be from that reason,
“ that their messages and declarations were writ in so
“ high a dialect, and with that sovereignty of lan-
“ guage, as if he were subject to their jurisdiction;
“ and did not know but it might have some influence
“ upon his people to his disadvantage, that is, raise
“ terror towards them, and lessen their reverence to-
“ wards his Majesty, when all their petitions and pro-
“ positions were more imperative than his just and ne-
“ cessary refusals: which condescension his Majesty
“ had

" had brought himself to, in hope, that his example,
" and their natural shame, would have reformed that
" new license of words : that this last address, under
" the name of a petition, (a few days after they had
" violently ravished his whole fleet from him ; and
" prepared the same day, that they had chosen a Ge-
" neral, to whom they had sworn allegiance, to lead
" an army against him), contained a peremptory jus-
" tification of whatsoever they had done, and as per-
" emptory a threatening of whatsoever they could do :
" and therefore, if he should now retract his answer,
" which had been solemnly considered in council, be-
" fore all the Peers, and which in truth implied ra-
" ther a princely resentment of the indignities of-
" fered to him, than flowed with any sharp or bitter
" expressions, he should, by such yielding, give en-
" couragement to new attempts ; and could not but
" much discourage those, upon whose affections and
" loyalty he was principally to depend ; who could
" not think it safe to raise themselves to an indigna-
" tion on his behalf, when he expressed so tender or
" so little sense of his own sufferings ; besides, that
" he was then upon an avowed hostile enterprise for
" the reduction of Hull ; towards which he was to
" use all possible means to draw a force together,
" equal to that design ; and by such a retraction as
" this proposed, and a seeming declension of his spi-
" rit, and depending upon their good natures, who
" had done all this mischief, he should not only be
" inevitably disappointed of the resort of new strength,
" but, probably, deserted by those few whom he had
" brought together : that he could not reasonably or
" excusably depend upon the undertaking of the Earl
" of Holland ; who had so grossly deceived him in
" other

“ other undertakings, which were immediately in his
“ own power to have performed: whereas neither he,
“ nor either of the other two gentlemen, who were
“ joined with him in this employment, had so much
“ interest with the active and prevailing party, as to
“ know more of their intentions than was at present
“ necessary to be discovered for their concurrence.

“ He said, that he had never yet consented to any
“ one particular, since the beginning of this Parlia-
“ ment, by which he had received prejudice, at the
“ doing whereof he had not the solemn undertakings
“ and promises of those, who were much abler to jus-
“ tify their undertakings than the Earl of Holland;
“ and upon whom he only depended, that it should
“ be no disservice to him, and would be an infallible
“ means to compass all that his Majesty desired: but
“ he had always found those promisers and under-
“ takers, though they could eminently carry on any
“ counsel, or conclusion, that was against law, justice,
“ or his right, had never power to reduce or restrain
“ those agitations within any bounds of sobriety and
“ moderation: and when they found that many would
“ not be guided by them, that they might seem still
“ to lead, themselves as furiously followed the other;
“ and resorted again to his Majesty with some new
“ expedient, as destructive as the former. So that he
“ was resolved to rely upon God Almighty, and not
“ so much to depend upon what might possibly pre-
“ vail upon the affections of those, from whom, rea-
“ sonably, he could not expect any good, as upon
“ such plain and avowed courses, as, let the success be
“ what it would, must, to all judging men, appear to
“ be prudently and honourably relied on: and there-
“ fore he positively refused to make the least altera-
“ tion

"tion in his answer." And so the messengers departed, leaving the court and country worse affected than they found it ; and branding some particular persons, whom they found less inclined to be ruled by their professions and promises, "as the authors of a "civil war :" and making them as odious as they could, wherever they came.

And sure, from that time, the Earl of Holland was more transported from his natural temper and gentleness of disposition, into passion and animosity against the King and his ministers ; and, having been nothing pleased with his own condition at London, finding the Earl of Essex (whom he did not secretly love, and did indeed contemn) to draw all men's eyes towards him, and to have the greatest interest in their hearts, he had seriously intended, under colour of this message to the King, to discover if there were any sparks yet left in his royal breast, which might be kindled into affection, or acceptance of his service ; and hoped, if he could get any credit, to redeem his former trespasses : but when he not only found his Majesty cold towards him, but easily enough discerned, by his reception, that all former inclinations were dead, and more than ordinary prejudices grown up towards him in their places, and that his advices were rejected, he returned with rancour equal to the most furious he went to ; and heartily joined and concurred towards the suppressing that power, in the administration whereof he was not like to bear any part.

His Majesty having, by his answer, obliged himself not to make any forcible attempt upon Hull till the 27th of July, by which time he might reasonably expect an answer to his propositions, in the mean time resolved to make some short progress into the neighbour

bour counties ; and accordingly, the same day the messengers departed, the King went to Doncaster ; and the next day to Nottingham ; and so to Leicester ; where he heard the Earl of Stamford, and some other parliament men, were executing the ordinance of the militia : but, before his Majesty came thither, they removed themselves to Northampton ; a town so true to them, as, if they had been pursued, would have shut their gates against the King himself, as Hull had done.

At Leicester the King was received with great expressions of duty and loyalty, by the appearance of the Trained Bands, and full acclamations of the people ; yet there were two accidents that happened there, which, if they be at all remembered, will manifest, that if the King were loved there as he ought to be, that the Parliament was more feared than he. It happened to be at the time of the general assizes, and Justice Reeve (a man of a good reputation for learning and integrity ; and who, in good times, would have been a good Judge) sat there as Judge ; and Mr. Henry Hastings, younger son to the Earl of Huntingdon, was purposely made High Sheriff, to contain the county within the limits of their duty by the power of that office, as well as by the interest and relation of his family. The Earl of Stamford, and his assistants, had departed the town but few hours before his Majesty's entrance ; and had left their magazine, which was indeed the magazine of the county, in a little store-house at the end of the town, guarded by some inferior officers, whom they had brought down to train and exercise the militia, and other zealous and devoted men of the county, in all to about the number of twenty-five, who had barricadoed the door of the

house ; and professed “ to keep it against all de-
“ manders ;” having provisions within it of all sorts. The King was very unwilling (coming in so peaceable
a manner, at so peaceable a time) to take any notice
of it. On the other hand, it was an act of too great
insolence to be suffered ; and, upon the matter, to
leave a garrison of the rebels in possession of the town ;
and therefore he sent word to the Judge, “ that if he
“ took not some legal way to remove such a force so
“ near his Majesty, his Majesty would do it in some
“ extraordinary course ;” which, upon the sudden,
would have puzzled him to have done ; having nei-
ther soldier, cannon, nor powder to effect it ; the
want of which as much troubled the Sheriff. In the
end, the gentlemen of the country, who had not yet
otherwise declared themselves on either side, than by
waiting on his Majesty, finding that the King would
not go from the town till that nuisance was removed ;
and that it might bring inconveniences, charge, and
mischief to the county of a high nature ; so prevailed,
that, as his Majesty was contented to take no notice
of it, so they within the house, in the night, upon as-
surance of safety and liberty to go whither they would,
removed and left the house ; and so that matter was
quieted.

The other accident was, or was like to have proved, more ridiculous : Some of the King’s servants, hearing that the Earl of Stamford, and the other mil-
itia men, were newly gone out of the town, had of
themselves, coming thither before the King, galloped
after them ; intending to have apprehended them,
and brought them before the King ; and, though the
other were too fleet for them, had, in the way, over-
taken Dr. Bastwick, a man well known, who had been
a prin-

a principal officer with them at Leicester, and fled at the same time, but could not keep pace with his commanders : him they brought to the town, where, by the Sheriff, he was committed to prison ; having confessed enough treason, and justifying it, as would have justly hanged any subject. The King thought once to have had him indicted then at the assizes, upon the plain statute of 25 Edw. III. But the Judge besought his Majesty not to put a matter of so great moment, upon which the power of the two Houses of Parliament, and a Parliament sitting, must be determined, before one single Judge, whose reputation was not enough to bear so great a burden : however, he declared his own opinion fully to his Majesty, " that it " was treason ; which, he believed, all the other " Judges must acknowledge ; and, if convened toge- " ther by his Majesty to that purpose, he thought a " joint declaration and resolution of all together might " be of great use to the King ; whereas the publish- " ing of his particular opinion could only destroy " himself, and nothing advance his Majesty's service : " besides, he had no reason to be so confident of the " country, as to conclude, that a jury, then suddenly " summoned, would have courage to find the bill ; " and then their not doing it, if it were attempted, " would prove a greater countenance to the ordinance, " than the votes of the two Houses had yet given it." This last reason gave his Majesty satisfaction ; so that he was contented that the fellow should be kept in prison, and the trial be deferred, till he could conveniently summon more Judges to be present.

His Majesty was no sooner persuaded to be content that this prosecution might be suspended, but the close agents for the Parliament's service, who were not

yet discovered, but appeared very entire to the King, so dexterously carried themselves, that they prevailed with those gentlemen of the country, whose zeal to his Majesty was most eminent and unquestionable, and even with the Judge himself, “to wish, that his “Majesty would freely and graciously discharge the “Doctor of his imprisonment; or give the Judge “leave to do so upon a Habeas Corpus;” (which he was advised to require) : “And that it would be such “an act of mercy and singular justice, that would not “only work upon the people of that county to his “Majesty’s advantage, but must have a great influence upon the whole kingdom, and even upon the “Parliament itself.” And with this strange desire the good Judge, and those principal gentlemen, confidently came to the King, the night before he intended to return northward. His Majesty told them, “he “would think of it till the next morning.” And, in the mean time, concluding by what he heard, that though he should refuse to discharge him, or to consent that he should be discharged, his restraint would not be long in that place after his departure; the people already resorting to him with great licence, and the Doctor, according to his nature, talking seditiously and loudly, he directed “a messenger of the chamber very early, with such assistance as the Sheriff “should give him, to carry him away to Nottingham; “and, by the help of that Sheriff, to the gaol at “York:” which was executed accordingly with expedition and secrecy; if either of which had been absent, it is certain the common people had rescued him; which, of how trivial a moment soever it shall be thought, I could not but mention as an instance of the spirit and temper of that time, and the great disadvantage

advantage the King was upon, that so many very good men thought fit, at a time, when very many hundreds of persons of honour and quality were imprisoned with all strictness and severity by the Parliament, upon the bare suspicion that they meant to go to the King, or that they wished well to him, or for not submitting to some illegal order or command of theirs, that the King should discharge an infamous person, taken in an act of high treason, and who more frankly and avowedly professed sedition, than he did the science of which he pretended to be Doctor.

The King, according to his appointment, returned towards Hull, in expectation of an answer from the Parliament; which came two days after the appointed day, but with no solemnity of messengers, or other ceremony, than inclosed to one of the Secretaries to be presented to the King, in which they told him,

“ That they could not, for the present, with the The Parliament's resolution,
July 26,
1642, discharge of the trust reposed in them for the safety “ of the King and kingdom, yield to those demands “ of his Majesty. The reason why they took into their “ custody the town of Hull, the magazine, and navy; “ passed the ordinance of the militia; and made pre- “ paration of arms; was for security of religion, the “ safety of his Majesty’s person, of the kingdom, and “ Parliament; all which they did see in evident and “ imminent danger; from which when they should “ be secured, and that the forces of the kingdom “ should not be used to the destruction thereof, they “ should then be ready to withdraw the garrison out “ of Hull, to deliver the magazine and navy, and “ settle the militia, by bill, in such a way as should “ be honourable and safe for his Majesty, most agree- “ able to the duty of Parliament, and effectual for

“ the good of the kingdom ; as they had professed in
“ their late petition. And for adjourning the Parlia-
“ ment, they apprehended no reason for his Majesty
“ to require it, nor security for themselves to consent
“ to it. And as for that reason which his Majesty
“ was pleased to express, they doubted not but the
“ usual place would be as safe for his royal person, as
“ any other ; considering the full assurance they had
“ of the loyalty and fidelity of the city of London to
“ his Majesty ; and the care which his Parliament
“ would ever have to prevent any danger, which his
“ Majesty might justly apprehend ; besides the mani-
“ fold conveniences to be had there, beyond any
“ other parts of the kingdom. And as for the laying
“ down of arms ; when the causes which moved them
“ to provide for the defence of his Majesty, the king-
“ dom, and Parliament, should be taken away, they
“ should very willingly and cheerfully forbear any
“ further preparations, and lay down their force al-
“ ready raised.”

Which replication, as they called it, to his Majesty's answer, they ordered “ to be printed, and read
“ in all churches and chapels within the kingdom of
“ England, and dominion of Wales.”

And so the war was now denounced by their express words against his Majesty, as it had been long before in their actions ; and both parties seemed to give over all thoughts of further treaties and overtures ; and each prepared to make themselves considerable by the strength and power of such forces as they could draw together.

In London they intended nothing but the forming of their army, and such other things of power, as were in order thereunto. To that purpose, the bill for the payment

payment of tonnage and poundage being expired on the first day of July, and they having sent another of the same nature to the King for his consent, for six months longer, his Majesty, since he saw that, and all other money properly belonging to him, violently taken from him, and employed by them against him, refused to give his royal assent thereunto: whereupon, without the least hesitation, (albeit it had been enacted this very Parliament, "that whosoever should presume to pay or receive that duty, after the expiration of the act, before the same was regranted to his Majesty with the consent of the Lords and Commons, should be in a *præmunire* ;" which is the heaviest punishment inflicted by law, but the loss of life), they appointed and ordered by the power of the two Houses, (which they called an ordinance of Parliament), "that the same duty should be continued; " and declared, that they would save all persons concerned from any penalty or punishment whatsoever :" by which they now became possessed of the customs in their own right.

Towards such as any ways (though under the obligation of oaths or offices) opposed or discountenanced what they went about, they proceeded with the most extravagant severity that had been ever heard of; of which I shall only mention two instances; the first, of the Lord Mayor of London, Sir Richard Gurney, a citizen of great wealth, reputation, and integrity; whom the Lords had, upon the complaint of the House of Commons, before their sending the last petition to the King, (of which his Majesty gave them a touch in his answer), committed to the Tower of London; for causing the King's proclamation against the militia, by virtue of his Majesty's writ to him directed,

rected, and according to the known duty of his place, to be publicly proclaimed. And shortly after, that they might have a man more compliant with their designs to govern the city, notwithstanding that he insisted upon his innocence, and made it appear that he was obliged by the laws of the land, the customs of the city, and the constitution of his office and his oath, to do whatsoever he had done ; he was by their Lordships, in the presence of the Commons, adjudged “ to be put out of his office of Lord Mayor of London ; to be utterly incapable of bearing office in city or kingdom, and of all honour or dignity ; and “ to be imprisoned during the pleasure of the two “ Houses of Parliament.” And, upon this sentence, Alderman Pennington, so often before mentioned, was, by the noise and clamour of the common people, against the customs and rules of election, made Mayor, and accordingly installed ; and the true, old, worthy Mayor committed to the Tower of London ; where, with notable courage and constancy, he continued almost to his death.

The other instance I think fit to mention is that of Judge Mallet ; who, as is before remembered, was committed to the Tower the last Lent, for having seen a petition prepared by the Grand Jury of Kent, for the countenance of the Book of Common Prayer, and against the imposition of the militia by ordinance without the royal assent. This Judge (being, this summer circuit, again Judge of assize for those counties) sitting at Maidstone upon the great assize, some members of the House of Commons, under the style and title of a Committee of Parliament, came to the bench ; and, producing some votes, and orders, and declarations of one or both Houses, “ required him,

“in the name of the Parliament, to cause those pa-
“pers” (being on the behalf of the ordinance of the
militia, and against the commission of array) “to be
“read.” He told them, “that he sat there by virtue
“of his Majesty’s commissions; and that he was au-
“thorised to do any thing comprised in those com-
“missions; but he had no authority to do any thing
“else; and therefore, there being no mention, in either
“of his commissions, of those papers, or the publish-
“ing any thing of that nature, he could not, nor
“would not do it;” and so (finding less respect and
submission than they expected, both to their persons
and their busines, from the learned Judge, and that
the whole county, at least the prime gentlemen and
the Grand Jury, which represented the county, con-
temned both much more) this committee returned to
the House with great exclamations against Mr. Justice
Mallet, “as the fomenter and protector of a malig-
“nant faction against the Parliament.” And, upon
this charge, a troop of horse was sent to attend an of-
ficer; who came with a warrant from the Houses, or
some committee, (whereas Justice Mallet, being an
assistant of the House of Peers, could not regularly be
summoned by any other authority), to Kingston in
Surrey, where the Judge was keeping the general af-
fizes for that county; and, to the unspeakable dishon-
our of the public justice of the kingdom, and the
scandal of all ministers or lovers of justice, in that vio-
lent manner took the Judge from the bench, and car-
ried him prisoner to Westminster; from whence, by
the two Houses, he was committed to the Tower of
London; where he remained for the space of above
two years, without ever being charged with any parti-
cular

cular crime, till he was redeemed by his Majesty by the exchange of another, whose liberty they desired.

By these heightened acts of power and terror, they quickly demonstrated how unsecure it would be for any man, at least not to concur with them. And, having a General, arms, money, and men enough at their devotion, they easily formed an army, publicly disposing such troops and regiments, as had been raised for Ireland, and, at one time, one hundred thousand pounds of that money, which, by act of Parliament, had been paid for that purpose, towards the constituting that army, which was to be led against their lawful Sovereign. So that it was very evident, they would be in such an equipage within few weeks, both with a train of artillery, horse, and foot, all taken, armed, furnished, and supplied out of his Majesty's own magazines and stores, that they had not reason to fear any opposition. In the mean time, they declared, and published to the people, " that " they raised that army only for the defence of the " Parliament, the King's person, and the religion, li- " berty, and laws of the kingdom, and of those; who, " for their sakes, and for those ends, had obeyed their " orders : that the King, by the instigation of evil " counsellors, had raised a great army of Papists ; by " which he intended to awe and destroy the Parlia- " ment ; to introduce popery and tyranny : of which " intention, they said, his requiring Hull ; his send- " ing out commissions of array ; bespeaking arms and " ammunition beyond the seas ; (there having been " some brought to him by the ship called the Provi- " dence) ; his declaring Sir John Hotham traitor ; and " the putting out the Earl of Northumberland from " being

" Being Lord High Admiral of England ; his removing the Earl of Pembroke, Essex, Holland, the Lord Fielding, and Sir Henry Vane, from their several places and employments ; were sufficient and ample evidences : and therefore they conjured all men to assist their General, the Earl of Essex." And, for their better and more secret transaction of all such counsels, as were necessary to be entered upon, or followed, they made a committee, of some choice members of either House, to intend the great busines of the kingdom with reference to the army ; who had authority, without so much as communicating the matter to the House, to imprison persons, seize upon their estates ; and many other particulars, which the two Houses, in full Parliament, had not the least regular, legal, justifiable authority to do. And for the better encouragement of men to engage in the service, the Lord Kimbolton, and the five members of the House of Commons, formerly accused by his Majesty of high treason, upon solemn debate, had several regiments conferred on them ; and, by their example, many other members of both Houses, some upon their lowness, and decayedness of their fortunes, others to get name and reputation to be in the number of reformers, (amongst whom they doubted not all places of honour, or offices of profit, would be bestowed), most upon the confidence, that all would be ended without a blow, by the King's want of power to gather strength, desired and obtained command of horse or foot ; their quality making amends for their want of experience, and their other defects ; which were repaired by many good officers, both English and Scots ; the late troubles having brought many of that tribe to London, and the reputation of the Earl of

Essex

Essex having drawn others, out of the Low Countries, to engage in that service. In the choice of which officers, whilst they accused the King of a purpose to bring in a foreign force, and of entertaining Papists, they neither confidered nation nor religion ; but entertained all strangers and foreigners, of what religion soever, who desired to run their fortune in the war.

On the other side, preparations were not made with equal expedition and success by the King, towards a war : for, though he well understood and discerned that he had nothing else to trust to, he was to encounter strange difficulties to do that. He was so far from having money to levy or pay soldiers, that he was, at this very time, compelled, for very real want, to let fall all the tables kept by his officers of state in court, by which so many of all qualities subsisted ; and the Prince, and Duke of York, eat with his Majesty ; which table only was kept. And whoever knows the constitution of a court, well knows what indispositions naturally flow from those declensions ; and how ill those tempers bear any diminution of their own interests ; and, being once indisposed themselves, how easily they infect others. And that which made the present want of money the more intolerable, there was no visible hope from whence supply could come, in any reasonable time : and that which was a greater want than money, which men rather feared than found, there were no arms ; for, notwithstanding the fame of the great store of ammunition brought in by that ship, it consisted only in truth of cannon, powder, and bullet, with eight hundred muskets, which was all the King's magazine. So that the hastening of levies, which at that time was believed

believed would not prove difficult, would be to little purpose, when they should continue unarmed. But that which troubled the King more than all these real incapacities of making war, was the temper and constitution of his own party ; which was compounded, for the most part, in court, council, and country, of men drawn to him by the impulsion of conscience, and abhorring the unjust and irregular proceedings of the Parliament ; otherwise unexperienced in action, and unacquainted with the mysteries and necessary policy of government ; severe observers of the law, and as scrupulous in all matters relating to it, as the other pretended to be : all his Majesty's ancient counsellors and servants, (except some few of lasting honour, whom we shall have occasion often to mention), that they might redeem former oversights, or for other unworthy designs, being either publicly against him in London, or privately discrediting his interest and actions in his own court. These men still urged "the execution of the law ; that what extravagances soever the Parliament practised, the King's observation of the law would, in the end, suppress them all :" and, indeed, believed the raising a war to be so wicked a thing, that they thought it impossible the Parliament should intend it, even when they knew what they were doing. However they concluded, "that he, that was farwardest in the preparing an army, would be first odious to the people ; by the affections of whom, the other would be easily suppressed."

This was the general received doctrine ; and though it appeared plainly to others, (of equal affection to the public peace), how fatal those conclusions, in that sense in which they were urged, must prove to the whole

whole kingdom; and how soon the King must be irrecoverably lost, if he proceeded not more vigorously in his defence; yet even those men durst not, in any formed and public debate, declare themselves; or speak that plain English the state of affairs required; but satisfied themselves with speaking, what they thought necessary, to the King in private; by which means the King wanted those firm and solid foundations of counsel and foresight, that were most necessary for his condition: so that he could neither impart the true motives and grounds of any important action, nor discover the utmost of his designs. And so he still seemed (notwithstanding the greatest and avowed preparations of the enemy) to intend nothing of hostility, but in order to the reducing of Hull; the benefit of which, he hoped, would engage the Trained Bands of that great county, (which was the sole strength he yet drew thither), till he could bring other forces thither, which might be fit for that, or any other design.

But there was another reason of his Majesty's going to and staying at Beverly, than was understood; and, it may be, if it had been known, might have produced a better effect; which I think necessary to insert in this place. The Lord Digby, whom we have mentioned before, in the first disorder, by which the King and Queen were driven from London, to have left England, and to be after unreasonably accused by the House of Commons of high treason, had remained from that time in Holland; and, hearing the King's condition at York to be so much improved beyond what he left it at Windsor, had, with some commands from the Queen, arrived there very privately, and staid some days in a disguise at York, revealing himself

himself to very few friends, and speaking with the King in so secret a manner in the night, that no notice was taken of his being there ; and, finding the King's affairs not in so good a posture as he expected, and conceiving it yet not fit for him to appear, resolved to return again to the Queen, and to hasten that provision of arms and ammunition, without which it was not possible for the King to resist any violence that threatened him ; and so, in the same bark which brought him over, he went again to sea for Holland, with Wilmot, Ashburnham, Pollard, and Berkley ; who purposely removed themselves from court, upon the clamour of the Parliament, till the King was ready to use their service. They were not many hours at sea, when they met the Providence, (which we mentioned before), with the ammunition, which was only wanted ; and, well knowing her, they agreed, “ that Wilmot, Pollard, and Berkley, should return “ with the ammunition to the King ; and Digby and “ Col. Ashburnham should pursue their former in-“ tentions for Holland.” But their parleys continued so long, that the Parliament ships, who had watched and chased the Providence, came up to them, and though the ship escaped, and run on shore, as was before mentioned, yet the fly-boat, in which the Lord Digby was, could not so well get away ; but was taken by them, and carried in with so much the more triumph into Hull, that they had been disappointed of their greater prize. Col. Ashburnham, though he was in great umbrage with the Parliament, and one of those delinquents, whom they reproached the King with, was so well known to Sir John Hotham, with whom he stood in a good degree of familiarity, that he could not dissemble or conceal himself ; but the

Lord

Lord Digby, being in so real a disguise, that his nearest friends would not easily have known him, pretended to be a Frenchman, whose language he spoke excellently ; and seemed to be so sea-sick, that he kept himself in the hole of the bark, till they came to Hull ; and, in that time, disposed of such papers as were not fit to be perused ; and when he came on shore, so well counterfeited sickness, and want of health, that he easily procured himself to be sent, under a guard, to some obscure corner for repose ; whilst Col. Ashburnham, who was the only prisoner they thought worth the looking after, was carefully carried to the Governor ; who received him with as much civility as he could reasonably expect.

The Lord
Digby's
transactions
with Sir
John Ho-
tham in
Hull.

The Lord Digby, being by himself, quickly considered the desperateness of his condition : "that it would not be possible to conceal himself long, being so well known to many who were in the Providence, and the garrison quickly knowing whatsoever was spoken of in the country : that he was, how unjustly or unreasonably soever, the most odious man of the kingdom to the Parliament ; into whose hands if he should then come, his life would be, at least, in apparent hazard." And how to get himself out of that labyrinth was very difficult, since Sir John Hotham was so far from any inclination of kindness towards him, as he had owned to Col. Ashburnham, that he was in the number of his most notorious enemies. However, in this eminent extremity, (as he is a man of the greatest presence of mind, and the least appalled upon danger, that I have known), he resolved not to give himself over ; and found means to make one of his guard, in broken English, which might well have become any Frenchman, understand,

derstand, “that he desired to speak privately with the Governor; and that he would discover some secrets of the King’s and Queen’s to him, that would highly advance the service of the Parliament.” The fellow made haste to let the Governor know these good tidings; who understanding French well, as speedily sent for the Frenchman; who was brought before him in the presence of much company, and, without any disorder, gave such an account of himself, as they understood him to have seen much of the French service, (of which he spoke very fluently), and to have come over recommended to the King for some command, if he should have occasion to use soldiers; as, he said, people abroad conceived him likely to have. After he had entertained the company with such discourse, there being present some gentlemen, who came lately out of France, and so being the more curious to administer questions, he applied himself to the Governor; and told him, “that if he might be admitted to privacy with him, he would discover somewhat to him, which he would not repent to have known.” The Governor, who was a man apt enough to fear his own safety, but more apprehensive of the jealousies which would attend him, (for his eldest son, and some others, were more absolutely confided in by the Parliament than himself, and were in truth but spies over him), would not venture himself in another room; but drew him to a great window at a convenient distance from the company, and wished him “to say what he thought fit.” The Lord Digby, finding he could not obtain more privacy, asked him, in English, “whether he knew him?” The other, surprised, told him “No.” “Then,” said he, “I shall try whether I know Sir John Hotham; and whether

“ he be, in truth, the same man of honour I have al-
“ ways taken him to be :” and, thereupon, told him
who he was ; and “ that he hoped he was too much a
“ gentleman to deliver him up a sacrifice to their rage
“ and fury, who, he well knew, were his implacable
“ enemies.” The other, being astonished, and fear-
ing that the by-standers would discover him too, (for,
being now told who he was, he wondered he found it
not out himself), he desired him “ to say no more for
“ the present ; that he should not be sorry for the
“ trust he repos'd in him, and should find him the
“ same man he had thought him : that he would find
“ some time, as soon as conveniently he might, to
“ have more conference with him. In the mean time,
“ that he should content himself with the ill accom-
“ modation he had, the amendment whereof would
“ beget suspicion : and so he called the guard instant-
“ ly to carry him away, and to have a very strict eye
“ upon him ;” and, turning to the company, and be-
ing conscious to himself of the trouble and disorder
in his countenance, told them, “ that the Frenchman
“ was a shrewd fellow, and understood more of the
“ Queen's counsels and designs, than a man would sus-
“ pect : that he had told him that which the Parlia-
“ ment would be glad to know ; to whom presently
“ he would make a dispatch, though he had not yet
“ so clear informations, as, he presumed, he should
“ have after two or three days :” and so departed to
his chamber.

It was a wonderful influence, that this noble per-
son's stars (which used to lead him into and out of
the greatest perplexities and dangers, throughout the
whole course of his life) had upon this whole affair.
Hotham was, by his nature and education, a rough
and-

and a rude man ; of great covetousness, of great pride, and great ambition ; without any bowels of good nature, or the least sense or touch of generosity ; his parts were not quick and sharp, but composed, and he judged well ; he was a man of craft, and more like to deceive, than to be cozened : yet, after all this, this young nobleman, known and abhorred by him, for his admirable faculty of dissimulation, had so far prevailed, and imposed upon his spirit, that he resolved to practise that virtue, which the other had imputed to him ; and not to suffer him to fall into the hands of his enemies. He sent for him, the next day, at an hour when he was more vacant from attendants and observers ; and, at first, told him his resolution ; “that, since he had so frankly put himself into his hands, he would not deceive his trust ;” and wished him “to consider, in what way, and by what colour, “he should so set him at liberty, that he might, without any other danger, arrive at the place where he “would be. For,” he said, “he would not trust any “person living with the secret, and least of all his “son ;” whom he mentioned with all the bitterness imaginable, “as a man of an ill nature, and furiously “addicted to the worst designs the Parliament had, “or could have ; and one that was more depended “upon by them than himself, and sent thither only as “a spy upon him.” From hence he entered upon the discourse “of the times, and mischief that was like to “befal the whole kingdom, from the difference between the King and the Parliament.” Then lamented his own fate, “that, being a man of very different principles from those who drove things to “this extremity, and of entire affection and duty to “the King, he should now be looked upon as the

“ chief ground and cause of the civil war which was
“ to ensue, by his not opening the ports, when the
“ King would have entered into the town :” of which
business, and of all the circumstances attending it, he
spake at large ; and avowed, “ that the information
“ sent him of the King’s purpose presently to hang
“ him, was the true cause of his having proceeded in
“ that manner.”

The Lord Digby, who knew well enough how to cultivate every period of such a discourse, and how to work upon those passions which were most predominant in him, joined with him in the sense of the calamities, which were like to befall the nation ; which he bewailed pathetically ; and, “ that it should be in
“ the power of a handful of ill men, corrupted in
“ their affections to the King, and against monarchy
“ itself, to be able to involve him, and many others of
“ his clear intentions, in their dark counsels, and to
“ engage them to prosecute ends which they abhorred,
“ and which must determine in the ruin of all the un-
“ dertakers. For, he told him, that the King, in a
“ short time, would reduce all his enemies : that the
“ hearts of the people were already, in all places,
“ aliened from them ; and that the fleet was so much
“ at the King’s disposal, that, as soon as they should
“ receive his orders, they would appear in any place
“ he appointed : that all the Princes in Christendom
“ were concerned in the quarrel, and would engage in
“ it, as soon as they should be invited to it : and that
“ the Prince of Orange was resolved to come over in
“ the head of his army, and would take Hull in three
“ days.” All which ought, reasonably, to have been
true in the practick, though it had very little ground
in the speculation. And when he had, by degrees,
amused

amused and terrified him with this discourse, he enlarged upon “ the honour and glory that man would “ have, who could be so blessed, as to prevent this “ terrible confusion, that was in view : that King “ and people would join in rewarding him with ho-“ nours and preferments of all kind ; and that his “ name would be derived to posterity, as the preserver “ of his country.” He told him, “ He was that man, “ that could do all this ; that, by delivering up Hull “ to the King, he might extinguish the war ; and that “ immediately a peace would be established through-“ out the kingdom : that the world believed, that he “ had some credit both with the King and Queen ; “ that he would employ it all in his service ; and if he “ would give him this rise to begin upon, he should “ find, that he would be much more solicitous for his “ greatness, and a full recompence for his merit, than “ he was now for his own safety.” All these adver-
tisements and reflections were the subject of more than one discourse ; for Sir John Hotham could not bear the variety and burden of all those thoughts together ; but within two days all things were adjusted between them. Hotham said, “ it would not become “ him, after such a refusal, to put the town into the “ King’s hands ; nor could he undertake (if he re-“ solved) to effect it ; the town itself being in no de-“ gree affected to his Majesty’s service ; and the “ Trained Bands, of which the garrison wholly con-“ sisted, were under officers, upon whom he could “ not depend. But,” he said, “ if the King would “ come before the town, though but with one regi-“ ment, and plant his cannon against it, and make but “ one shot, he should think he had discharged his “ trust to the Parliament, as far as he ought to do ;

" and that he would immediately then deliver up the town ; which he made no doubt but that he should be then able to do." And, on this errand, he was contented the Lord Digby should go to the King, and be conducted out of the town beyond the limits of danger ; the Governor having told those officers he trusted most, that " he would send the Frenchman to York ; who, he was well assured, would return to him again." He gave him likewise a note to a widow, who lived in that city, at whose house he might lodge, and by whose hands he might transmit any letters to him.

When he came to York, and after he had spoke with the King, it was resolved, he should appear in his own likeness, and wait upon the King in public, that it might be believed, that he had transported himself from Holland in the ship that brought the ammunition ; which was hardly yet come to York, it being now about the time that Mr. Villiers and Sir John Pennington had been sent away, and before the news came of their ill success. This was the cause of the sudden march towards Hull, before there was a soldier levied to make an assault, or maintain a siege ; which was so much wondered at then, and so much censured afterwards. For as soon as his Majesty received this assurance, which he had so much reason to depend upon, by the treatment the Lord Digby had received, he declared " he would, upon such a day, go to Beverly," a place within four miles of Hull ; and appointed three or four regiments of the country, under the command of such gentlemen whose affection was unquestionable, to march thither, as a guard to his person ; and likewise sent a little train of artillery, which might be ready for the summons.

summons. When his Majesty was ready with this equipage for his march, the Lord Digby returned again in his old disguise to Hull, to make sure that all things there might correspond with the former obligation. As soon as the King, and the whole Court, (for none remained at York) came to Beverly, (where they were all accommodated, which kept them from being quickly weary), and the Trained Bands were likewise come thither, the General, the Earl of Lindsey, first took possession of his office; a little troubled, and out of countenance, that he should appear the General without an army; and be engaged in an enterprize, which he could not imagine would succeed. His Majesty ordered him to send out some officers, of which there was a good store, to take a view of the town, and of such advantage ground, within distance, upon which he might raise a battery; as if he meant on a sudden to assault the place; which appeared no unreasonable design, if there were a good party in the town to depend upon. And yet the General had no opinion, that his army of Trained Bands would frankly expose themselves to such an attack. Besides a great number of officers, and persons of quality, who were all well horsed, and had many servants as well provided, the King had his troop of guards so constituted, as hath been said before; and there were few horse in Hull, and those without officers, who understood that kind of service. So that it was no hard matter to take a very full view of the town, by riding to the very ports, and about the walls; nor, at first appearance, was there any shew of hostility from the town upon their nearest approaches to it; but after they had made that visit two or three days together, they observed that the walls were better manned, and

Whereupon
the King
goes to Be-
verly with
design upon
Hull, but
in vain.

that there was every day an increase of labourers repairing the works ; and then they begun to shoot, when any went within distance of the works.

All this while Sir John Hotham had tried some of his officers, in whose particular affection he had most confidence, how far they were like to be governed by him ; and found them of a temper not to be relied upon. His son was grown jealous of some design, and was caballing with those who were most notorious for their disaffection to the government ; and new officers were sent down by the Parliament, to assist in the defence of the town, which, they thought, might probably be attempted ; and supplies of men had been taken in from the ships, and had been sent thither from Boston, a town, upon the same coast, of eminent disloyalty. So that, when the Lord Digby returned thither, he found a great damp upon the spirit of the Governor, and a sadness of mind, that he had proceeded so far ; of which his Lordship made all the haste he could to advertise the King ; but his letters must first be sent to York before they could come to Beverly ; and, when they were received, they contained still somewhat of hope, “ that he should be “ able to restore him to his former courage, and con- “ firm his resolution :” so that the King seemed to defer any attempt, upon the hopes of the Earl of Holland’s message before mentioned, and, in the end, he was compelled to give over the design, all hope from the Governor growing desperate ; whether from his want of courage, or want of power to execute what he desired, remains still uncertain. When Sir John Hotham gave over further thoughts of it, he dismissed both the Lord Digby, and Col. Ashburnham, whom he had likewise detained till then, as a man of use in
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the execution of the design, with many professions of duty to the King ; and as the concealing those two persons, and afterwards releasing them, immediately increased the jealousy of the Parliament against him, so it was the principal cause, afterwards, of the loss of his head.

The King dismissed the Trained Bands, and returned with his Court to York, in so much less credit than when he came from thence, as the entering into a war without power, or preparation to prosecute it, was like to produce. The inconvenience was the greater, because the principal persons of quality, of court or country, and the officers, had the less reverence for the King's conduct, by seeing such an action entered upon with so little reason, and prosecuted so perfunctorily : all which reproaches his Majesty thought fitter to bear, than to discover the motives of his journey ; which were then known to few, nor, to this day, have been published.

When the King returned to York, exceedingly troubled at the late march he had made, and all men expressing great impatience to be in action, very many persons of honour and quality, having attended long at Court, believing they might be more useful to his Majesty's service in their own countries, in restraining the disaffected from any seditious attempts, and disposing the people in general to be constant in their loyalty, an accident fell out, that made it absolutely necessary for the King to declare the war, and to enter upon it, before he was in any degree ripe for action ; which was, that Portsmouth had declared for Col. Gor-

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lating how this came to pass, requires a large discourse, and will administer much variety, not without somewhat of pleasure and wonder, from the temper and spirit of the person who conducted that action ; if it can be said to be conducted without any conduct.

We have remembered before, in the last year, the discourse of the bringing up the army to London to awe the Parliament, and the unspeakable dishonour and damage the King sustained by that discourse, how groundless soever it was ; all which was imputed to Colonel Goring, who, by that means, grew into great reputation with the Parliament, as a man so irrecoverably lost to the Court, that he would join with them in the most desperate designs ; yet he carried himself with so great dexterity, that, within few months, he wrought upon the King and Queen to believe, that he so much repented that fault, that he would redeem it by any service ; and to trust him to that degree, that the Queen once resolved, when the tumults drove their Majesties first from London, for her security, to put herself into Portsmouth, which was under his government ; whilst his Majesty betook himself to the northern parts ; which design was no sooner over, (if not before), than he again intimated so much of it to the Lord Kimbolton, and that party, that they took all the trust he had from Court, to proceed from the confidence their Majesties had of his father's interest in him ; whose affection and zeal to their service was ever most indubitable : but assured themselves he was their own, even against his own father. So that he carried the matter so, that, at the same time, he received 3000l. from the Queen, (which she raised by the sale of her plate and some jewels), to fortify, and victual, and reinforce his garrison, against the time it should

should be necessary to declare for the King ; and a good supply from the Parliament, for the payment of the garrison, that it might be kept the better devoted to them, and to their service. All which he performed with that admirable dissimulation, and rare confidence, that, when the House of Commons was informed by a member, whose zeal and affection to them was as much valued as any man's, " that all his correspondence in the county was with the most malignant persons ; that of those, many frequently resorted to, and continued with him in the garrison ; that he was fortifying, and raising of batteries towards the land ; and that in his discourse, especially in the seasons of his good fellowship, he used to utter threats against the Parliament, and sharp censures of their proceedings ;" and upon such informations (the author whereof was well known to them, and of great reputation ; and lived so near Portsmouth, that he could not be mistaken in the matter of fact) the House sent for him, most thinking he would refuse to come ; Colonel Goring came, upon the summons, with that undauntedness, that all clouds of distrust immediately vanished, insomuch as no man presumed to whisper the least jealousy of him ; which he observing, came to the House of Commons, of which he was a member ; and, having sat a day or two patiently, as if he expected some charge, in the end he stood up, with a countenance full of modesty, and yet not without a mixture of anger, (as he could help himself with all the insinuations of doubt, or fear, or shame, or simplicity in his face, that might gain belief, to a greater degree than I ever saw any man ; and could seem the most confounded when he was best prepared, and the most out of

of countenance when he was best resolved, and to want words, and the habit of speaking, when they flowed from no man with greater power), and told them, “ that he had been sent for by them, upon some information given against him, and that, though he believed, the charge being so ridiculous, they might have received, by their own particular inquiry, satisfaction; yet the discourses that had been used, and his being sent for in that manner, had begot some prejudice to him in his reputation ; which if he could not preserve, he should be less able to do them service ; and therefore desired, that he might have leave (though very unskilful, and unfit to speak, in so wise and judicious an assembly) to present to them the state and condition of that place under his command ; and then he doubted not but to give them full satisfaction in those particulars, which possibly had made some impression in them to his disadvantage : that he was far from taking it ill from those, who had given any information against him ; for, what he had done, and must do, might give some umbrage to well affected persons, who knew not the grounds and reasons, that induced him so to do ; but that if any such person would, at any time, resort to him, he would clearly inform them of whatever motives he had ; and would be glad of their advice, and assistance for the better doing thereof.” Then he took notice of every particular that had been publicly said against him, or privately whispered, and gave such plausible answers to the whole, intermingling sharp taunts, and scorns, to what had been said of him, with pretty application of himself, and flattery to the men that spake it : concluding, “ that they well knew “ in

“ in what esteem he stood with others : so that if, by
“ his ill carriage, he should forfeit the good opinion
“ of that House, upon which he only depended, and
“ to whose service he entirely devoted himself, he
“ were madder than his friends took him to be, and
“ must be as unpitied in any misery, that could befall
“ him, as his enemies would be glad to see him.”
With which, as innocently and unaffectedly uttered,
as can be imagined, he got so general an applause
from the whole House, that, not without some little
apology for troubling him, “ they desired him again
“ to repair to his government, and to finish those
“ works, which were necessary for the safety of the
“ place,” and gratified him with consenting to all
the propositions he made in behalf of his garrison,
and paid him a good sum of money for their arrears ;
with which, and being privately assured (which was
indeed resolved on) that he should be Lieutenant
General of their horse in their new army, when it
should be formed, he departed again to Portsmouth ;
in the mean time assuring his Majesty, by those who
were trusted between them, “ that he would be speed-
“ ily in a posture to make any such declaration for his
“ service, as he should be required ;” which he was
forced to do sooner than he was provided for it,
though not sooner than he had reason to expect.

When the levies for the Parliament army were in
good forwardness, and that Lord had received his
commission for Lieutenant General of the horse, he
wrote to the Lord Kimbolton, who was his most bo-
som friend, and a man very powerful, desiring, “ that
“ he might not be called to give his attendance upon
“ the army, till it was ready to march ; because there
“ were so many things to be done, and perfected; for
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“ the safety of that important place, that he was determined to be present himself at the work as long as was possible. In the mean time, he had given directions to his agent in London, to prepare all things for his equipage ; so that he would be ready to appear, at any rendezvous, upon a day's warning.” Though the Earl of Essex did much desire his company, and assistance in the council of war, and preparing the articles, and forming the discipline for the army, he having been more lately versed in the order and rule of marches, and the provisions necessary or convenient thereunto, than any man then in their service, and of greater command than any man but the General ; yet the Lord Kimbolton prevailed, that he might not be sent for, till things were riper for action. And, when that Lord did afterwards write to him, “ that it was time he should come away,” he sent such new and reasonable excuses, that they were not unsatisfied with his delay ; till he had multiplied those excuses so long, that they began to suspect ; and they no sooner inclined to suspicion, but they met with abundant arguments to cherish it. His behaviour and course of life was very notorious to all the neighbours, nor was he at all reserved in his mirth, and public discourses, to conceal his opinion of the Parliament, and their proceedings. So that, at last, the Lord Kimbolton writ plainly to him, “ that he could no longer excuse his absence from the army, where he was much wanted ; and that, if he did not come to London by such a short day, as he named, he found his integrity would be doubted ; and that many things were laid to his charge, of which he doubted not his innocence ; and therefore conjured him, immediately, to be at Westminster ; “ it

" it being now to be no longer deferred, or put off." He writ a jolly letter to that Lord, " that, the truth " was, his council advised him, that the Parliament " did many things which were illegal ; and that he " might incur much danger by obeying all their " orders ; that he had received the command of that " garrison from the King ; and that he durst not be " absent from it, without his leave :" and concluded with some good counsel to the Lord.

This declaration of the governor of a place, which had the reputation of being the only place of strength in England, and situated upon the sea, put them into many apprehensions ; and they lost no time in endeavouring to reduce it ; but, upon the first understanding his resolution, Sir William Waller was sent, with a good part of the army, so to block it up, that neither men nor provision might be able to get in ; and some ships were sent from the fleet, to prevent any relief by sea : and these advertisements came to the King, as soon as he returned to York.

It gave no small reputation to his Majesty's affairs, when there was so great a damp upon the spirits of men, from the misadventures at Beverly, that so notable a place as Portsmouth had declared for him, in the very beginning of the war ; and that so good an officer as Goring was returned to his duty, and in the possession of the town : and the King, who was not surprised with the matter, knowing well the resolution of the Colonel, made no doubt, but that he was very well supplied with all things, as he might well have been, to have given the rebels work for three or four months, at the least. Whereupon, he forthwith published a declaration, that had been long ready, in which he recapitulated all the insolent and rebellious actions

actions the two Houses had committed against him : and declared them “ to be guilty ; and forbid all his subjects to yield any obedience to them :” and, at the same time, published his proclamation ; by which he “ required all men, who could bear arms, to repair to “ him at Nottingham, by the twenty-fifth of August “ following ; on which day, he would set up his “ royal standard there, which all good subjects were “ obliged to attend.” At the same time, he sent the Marquis of Hertford to raise forces in the West, or, at least, to restrain those parts (where his interest and reputation was greater than any man’s) within the limits of their duty to the King, and from being corrupted or perverted by the Parliament ; and with him went the Lord Seymour, his brother ; the Lord Pawlet, Hopton, Stawel, Coventry, Berkeley, Windham, and some other gentlemen, of the prime quality, and interest in the western parts ; who were like to give as good examples in their persons, and to be followed by as many men, as any such number of gentlemen in England could be. And from this party, enlivened by the power and reputation of the Marquis, the King was in hopes, that Portsmouth would be shortly relieved, and made the head quarter to a good army. When all this was done, he did all that was possible to be done, without money, to hasten his levies of horse and foot, and to prepare a light train of artillery, that he might appear at Nottingham, at the day when the standard was to be set up, with such a body of men, as might be, at the least, a competent guard to his person.

Many were then of opinion, “ that it had been more for his Majesty’s benefit and service, if the standard had been appointed to be set up at York ; “ and

“ and so that the King had stayed there, without moving further south, until he could have marched in the head of an army, and not to depend upon gathering an army up in his march. All the northern counties were, at present, most at his devotion ; and so it would be most easy to raise men there : Newcastle was the only port in his obedience, and whether he had appointed his supplies of arms and ammunition to be sent ; of which he had so present need, that all his magazine, which was brought in the Providence, was already distributed to those few gentlemen, who had received commissions, and were most like speedily to raise their regiments ; and it would be a very long, and might prove a very dangerous passage to get the supplies, which were daily expected, to be brought with security from Newcastle, when the King should be advanced so many days journey beyond York.” All which were very important considerations, and ought to have prevailed ; but the King’s inclination to be nearer London, and the expectation he had of great effects from Portsmouth, and the West, disposed him to a willingness to prefer Nottingham ; but that which determined the point, was an apparent and manifest aversion in the Yorkshire gentlemen, whose affections were least suspected, that his Majesty should continue, and remain at York ; which, they said, the people apprehended, “ would inevitably make that country the seat of the war :” unskilfully imagining, that the war would be no where, but where the King’s army was ; and therefore they facilitated all things, which might contribute to his remove from thence ; undertook to provide convoys for any arms and ammunition from Newcastle ; to hasten the levies

in their own country ; and to borrow the arms of some of the Trained Bands ; which was the best expedient, that could be found out, to arm the King's troops, and had its reverse in the murmurs it produced, and in leaving the best affected men, by being disarmed, at the mercy of their enemies; who carefully kept their weapons, that they might be ready to fight against the King. This caused the resolution to be taken for Nottingham, without enough weighing the objections, which, upon the entrance into great actions, cannot be too much deliberated, though, in the execution, they were best shut out. And it quickly appeared in those very men, who prevailed most in that council ; for, when the time drew on, in which his Majesty was to depart, and leave the country, then they remembered, " that the garrison of Hull would " be left as a thorn in their sides, where there were " well formed and active troops, which might march " over the country without control, and come into " York itself without resistance : that there were " many disaffected persons of quality and interest in " the country, who, as soon as the King should be " gone, would appear amongst their neighbours, and " find a concurrence from them in their worst designs ; " and that there were some places, some whole corpora- " tions, so notoriously disaffected, especially in mat- " ters relating to the Church, that they wanted only " conductors to carry them into rebellion."

These, and the like reflections, made too late impressions upon them ; and now, too much, they magnified this man's power, whom before they contemned ; and doubted that man's affection, of which they were before secure ; and made a thousand propositions to the King this day, whereof they rejected the greatest

est part to-morrow; and, as the day approached nearer for the King's departure, their apprehensions and irresolutions increased. In the end, they were united in two requests to the King; that "he would commit "the supreme command of the country, with reference "to all military affairs, to the Earl of Cumberland; "and qualify him, with an ample commission, to that "purpose." The other, "that his Majesty would "command Sir Thomas Glemham to remain with them, "to govern and command such forces, as the Earl of "Cumberland should find necessary for their defence." And this provision being made by the King, they obliged themselves to concur in making any preparations, and forming any forces the Earl should require. His Majesty, as willingly, gratified them in both their desires. The Earl of Cumberland was a man of great honour and integrity, who had all his estate in that country, and had lived most amongst them, with very much acceptation and affection from the gentlemen, and the common people: but he was not, in any degree, active, or of a martial temper; and rather a man more like not to have any enemies, than to oblige any to be firmly and resolutely his friends, or to pursue his interest: the great fortune of the family was divided, and the greater part of it carried away by an heir female; and his father had so wasted the remainder, that the Earl could not live with that lustre, nor draw so great a dependence upon him, as his ancestors had done. In a word, he was a man of honour, and popular enough in peace, but not endued with those parts which were necessary for such a season. Sir Thomas Glemham was a gentleman of a noble extraction, and a fair fortune, though he had much impaired it; he had spent many years, in armies, beyond

the seas; and he had been an officer of very good esteem in the King's armies, and of courage and integrity unquestionable; but was not of so stirring and active a nature, as to be able to infuse fire enough into the phlegmatic constitutions of that people, who did rather wish to be spectators of the war, than parties in it; and believed, if they did not provoke the other party, they might all live quietly together; until Sir John Hotham, by his excursions and depredations out of Hull, and their seditious neighbours, by their insurrections, awakened them out of that pleasant dream. And then the greatest part of the gentry of that populous country, and very many of the common people, did behave themselves with signal fidelity and courage in the King's service: of all which particulars, which deserve well to be remembered, and transmitted to posterity, there will be occasion to make mention in the following discourse.

Yet I cannot leave York without the mention of one particular; which, in truth, is a lively instance of the spirit and temper of that time, and was a sad presage of all the misfortunes which followed. There were very few gentlemen, or men of any quality, in that large county, who were actively or factiously disaffected to his Majesty; and of those the Lord Fairfax, and his son, Sir Thomas Fairfax, were the chief; who were governed by two or three of inferior quality, more conversant with the people; who were as well known as they. All these were in the country, at their houses, within few miles of York; and the King resolved, at his going away, to have taken them all prisoners, and to have put them in safe custody; by which, it was very probable, those mischiefs, that shortly after broke out, might have been prevented. But the gentlemen of

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the county, who were met together to consult for their own security, hearing of this design, besought his Majesty “not to do it;” alleging, “that he would, thereby, leave them in a worse condition, by an act so ungracious and unpopular; and that the disaffected would be so far from being weakened, that their party would be increased thereby:” many really believing, that neither father nor son were transported with over-vehement inclinations to the Parliament; but would willingly fit still, without being active on either side; which, no doubt, was a policy, that many of those, who wished well, desired and intended to be safe by. And so his Majesty left York, taking with him only two or three of inferior rank, (whereof one Stapleton was one), who were known to have been very active in stirring the people to sedition; and yet, upon some specious pretences, some very good men were persuaded, within few days, to procure the liberty and enlargement even of those from his Majesty. So ticklish were those times, and so wary were all men to advise the King should do any thing, which, upon the strictest inquisition, might seem to swerve from the strict rule of the law; believing, unreasonably, that the softest and gentlest remedies might be most wholesomely applied to those rough and violent diseases.

The King came to Nottingham two or three days before the day he had appointed to set up the standard; having taken Lincoln in his way, and drawn some arms from the Trained Bands of that country with him to Nottingham; from whence, the next day, he went to take a view of his horse; whereof there were several troops well armed, and under good officers, to the number of seven or eight hundred men; with

with which, being informed, “ that there were some “ regiments of foot marching towards Coventry, by “ the Earl of Essex’s orders,” he made haste thither ; making little doubt, but that he should be able to get thither before them, and so to possess himself of that city ; and he did get thither the day before they came ; but found not only the gates shut against him, but some of his servants shot and wounded from the walls : nor could all his messages and summons prevail with the mayor and magistrates, before there was any garrison there, to suffer the King to enter into the city. So great an interest and reputation the Parliament had gotten over the affections of that people, whose hearts were alienated from any reverence to the government.

The King could not remedy the affront, but went that night to Stonely, the house then of Sir Thomas Lee ; where he was well received ; and, the next day, his body of horse, having a clear view, upon an open campania, for five or six miles together, of the enemy’s small body of foot, which consisted not of above twelve hundred men, with one troop of horse, which marched with them over that plain, retired before them, without giving them one charge ; which was imputed to the ill conduct of Wilmot, who commanded ; and had a colder courage than many who were under him, and who were of opinion, that they might have easily defeated that body of foot : which would have been a very seasonable victory ; would have put Coventry unquestionably into the King’s hands, and sent him with a good omen to the setting up of his standard. Whereas, that unhappy retreat, which looked like a defeat, and the rebellious behaviour of Coventry, made his Majesty’s return to Nottingham

very

very melancholy; whither he returned the very day the standard was appointed to be set up.

According to the proclamation, upon the twenty-fifth day of August, the standard was erected, about six of the clock in the evening of a very stormy and tempestuous day. The King himself, with a small train, rode to the top of the castle-hill, Varney the Knight-Marshall, who was Standard Bearer, carrying the standard, which was then erected in that place, with little other ceremony than the sound of drums and trumpets: melancholy men observed many ill presages about that time. There was not one regiment of foot yet brought thither; so that the Trained Bands, which the Sheriff had drawn together, were all the strength the King had for his person, and the guard of the standard. There appeared no conflux of men in obedience to the proclamation; the arms and ammunition were not yet come from York, and a general sadness covered the whole town. The standard was blown down, the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two, till the tempest was allayed. This was the melancholy state of the King's affairs, when the standard was set up.

The King's
standard set
up at Not-
tingham,
Aug. 25,
1642.